

MINUTES OF THE MEETING OF THE CITY COUNCIL

Wichita, Kansas, March 7, 2006  
Tuesday, 9:15 A.M.

The City Council met in regular session with Mayor Mayans in the Chair. Council Members Brewer, Fearey, Gray, Martz, Schlapp, Skelton; present.

George Kolb, City Manager; Gary Rebenstorf, Director of Law; Karen Sublett, City Clerk; present.

Mayor Mayans gave the invocation.

The pledge of allegiance was participated in by the Council Members, staff, and guests.

The Minutes of the February 28, 2006 meeting were approved 7 to 0.

AWARDS AND PROCLAMATIONS

## Proclamations

Proclamations:

Mayor Mayans read aloud the following Proclamations:

- "Luke and Shayla Day"
- "Mental Retardation Awareness Month"
- "Lions Pancake Day"
- "Women in Construction Week"
- "Social Work Month"

## Service Citations

Distinguished Service Citation-Donald L. Livengood.

Mayor Mayans acknowledged Donald Livengood for his 16 years and 11 months of service with the Water and Sewer Department.

PUBLIC AGENDA

## James Gulick

Fire protection for the southeast portion of the City of Wichita-James Gulick.

Mr. Gulick stated that he does not live in the south city area but lives two blocks from Fire Station 11, which serves his area and the south city area. Stated that there is one access to south city from the east, between Pawnee and MacArthur, which is Wassall. Stated that there is no access to south city from the west side between Pawnee and MacArthur. Stated that emergency vehicles are at the mercy of very heavily used railroads on both sides of south city. Stated that if these tracks along K-15 are blocked between Mt. Vernon and Wassall, access to south city is restricted to the west side only. Station 11 is the east side's primary response unit and cannot be sure of the railroad blockage until they try to cross K-15 and at that time they have to call for additional help and now we have two response times, involved in the emergency. Stated that if the train is blocking cross streets from Pawnee, north to Lincoln, the station on south Broadway at Lincoln could not respond because they have no way to get across the railroad tracks. Then the response is from south Broadway, north of 47<sup>th</sup> Street or from Lincoln and Rock Road, which is another increase in response time. The station in south city would not only eliminate the railroad problem but would reduce the call load of Station 11. Stated that Station 11 has the third highest call demand in the City. Stated that we need a reduction of 1,600 calls a year for

# CITY COUNCIL PROCEEDINGS

JOURNAL 185

MARCH 7, 2006

PAGE 286

Station 11 to bring it down to the current median call demand in the City. Stated that there could be sufficient bond money to build three fire stations and that he understands that the problem comes in funding equipment and personnel. Stated that he believes that we must find the resources to equip and staff these fire stations and that we the City of Wichita, need to look at some of the items that are planned, that have not been started and commit that money to citizen protection, in particular, additional fire stations. Stated that he believes we should reduce staff study time for joint city/county fire stations and understands that there is currently a request for an additional six months to study this issue. Stated that if the joint city/county fire stations were put at the outlined portions of the City, it presumably would reduce the costs of each fire station by half, which would make money available sooner for a south city fire station. Stated that a prominent south city business man has proposed to donate to the City, sufficient land for a fire station, which could be as much as 1 to 1.5 acres as necessary, facing a major four-lane street.

Council Member Skelton Council Member Skelton stated that he agrees that there is a need for a fire station in southeast Wichita and it is unfortunate that it does take time to study this issue. Stated that we have to find the best way to cooperate with the county and when that study is completed, it is his desire to move forward with a community-wide plan to address fire service in Wichita.

Gary L. Ray

## Establishment of a Town Band for the City of Wichita-Gary L. Ray.

Mr. Ray stated that the City Lawrence, Hutchinson, Winfield, Arkansas City and Iola have municipal bands, which are funded by their Cities. Stated that the City of Wichita had a de-facto municipal band from the mid 1950's to the mid 1970's and did not cost the City of Wichita anything. Stated that the funding came from the music performance trust funds and in 1943-1944, there was a strike in the United States, of recording instrumental musicians and that they were paid for recording sessions and if the record was a hit they got nothing more for their money. Stated as a result of the strike, money was allocated by the recording industry that went into a trust fund and that money was administered by the American Federation of Musicians, which paid for summer concerts for the City of Wichita. Asked the Council what can be done about this situation.

Council Member Gray

Council Member Gray stated that he recommends that Mr. Ray apply for the Cultural Arts Funding for 2007. Stated that we have to appropriate our budget the year before to approve it for this year, which is the way most governments are ran. Explained to Mr. Ray that he can apply now for 2007 dollars and the Cultural Arts Funding Board will review the grants and they make recommendations regarding the funding.

Rickie Coleman

## Video Cameras in police cars-Rickie Coleman, Sunflower Community Action.

Ms. Coleman stated that she is here to talk about the funding of video cameras. Stated that after talking with the state and federal legislatures, it is no problem but they always ask where does the City stand on this issue. Stated that they are going to Washington, DC in May and it would be beneficial for them to be able to say that the City has a pilot program already in place before they ask them for their support and their money. Stated that this is a matter of public safety for citizens and police officers. Stated that cities all over the United States have realized the importance of cameras and have provided this technology for their officers and most of the cities surrounding Wichita have been using this technology. Stated that this is a Citywide issue and that they have collected in six weeks over 5,000 petitions from tax paying citizens that want these cameras in the police vehicles to hold both sides accountable. Stated that they have a meeting scheduled with the City Manager, Council Members Brewer and Skelton, Deputy Chief Stolz, and Chief Williams and that the City Manager has directed Chief Williams to come up with an implementation plan for the video cameras before they set up their budget in April and possible ways to fund this project. Stated that they feel this is an important first step in moving forward and would like this meeting to be a step forward and leave the past in the past. Stated that their members look forward to this meeting and for the Council Members that they have not met with, they would like to have meetings set up with them to bring them up to date on this issue.

# CITY COUNCIL PROCEEDINGS

JOURNAL 185

MARCH 7, 2006

PAGE 287

Mayor Mayans

Mayor Mayans read aloud a quote from Carl R. Peade, Director of the Office of Community Oriented Policing Service for the Department of Justice, "Car cameras provide an objective record of the interaction between law enforcement and the citizens they serve. They enhance officer safety as well as encourage law enforcement, professionalism, and public cooperation." Stated that in 2001, 41 states took advantage of the Cops in Car Camera Grant Program, which granted \$12 million dollars, which we can do but it is a matter of having a majority vote of four Council Members asking the City Manager to do this. Stated that he is supportive of this and in 2002, the Kansas Highway Patrol received \$147,653.00 to outfit 31 vehicles and that it is happening all over the nation and there is no reason why it cannot happen here.

## CONSENT AGENDA

Mayor Mayans

Mayor Mayans requested to pull items 14, 20 and 21 for discussion.

George Kolb

City Manager requested that item 8 be pulled and added to number 28. Stated that it inadvertently got placed on the Consent Agenda and should be considered with item 28.

Motion--  
--carried

Mayans moved to approve the Consent Agenda items excluding items 14, 20, 21 and 8 to be approved in accordance with the recommended action shown thereon. Motion carried 7 to 0.

## **BOARD OF BIDS**

### **REPORT OF THE BOARD OF BIDS AND CONTRACTS DATED MARCH 6, 2006.**

Bids were opened March 3, 2006, pursuant to advertisements published on:

PUBLIC WORKS DEPARTMENT/ENGINEERING DIVISION: Sewers, Paving and Water Mains as per specifications.

Water Distribution System for a new Goddard School building N/A - north of Kellogg, east of 167th Street West. (448-90060/735245/470916) Traffic to be maintained during construction using flagpersons and barricades. (District V)

Mies Construction - \$310,653.00

Lateral 1, Main 1, Boeing Sewer to serve Clifton Cove Addition - south of 63rd Street South, east of Hydraulic. (468-84023/744166/480854) Does not affect existing traffic. (District IV)

Mies Construction - \$443,350.00

Lateral 6, Main 3 Northwest Interceptor Sewer to serve Eberly Farm Office Park Addition - south of 21st Street North, east of 135th Street West. (468-84109 /744164/480852) Does not affect existing traffic. (District V)

WB Carter Construction - \$64,310.00

Lateral 1, Main 18 Four Mile Creek Sewer to serve McEvoy Addition - south of Harry, west of 127th Street East. (468-84033/744132/480820) Traffic to be maintained during construction using flagpersons and barricades. (District II)

Nowak Construction - \$270,062.20

2005-2006 CDBG Drive & Parking Lot Improvements Planeview Park, Phase 1 - south of Fees, east of Jewett. (472-84349/092010/785065/800502/395197) Traffic to be maintained during construction using flagpersons and barricades. (District III)

# CITY COUNCIL PROCEEDINGS

JOURNAL 185

MARCH 7, 2006

PAGE 288

Cornejo & Sons Construction - \$223,024.24 (Engineer's Estimate)

2006 Contract Maintenance Area Concrete Street Repairs, Phase 1 - north of 33rd Street South, west of Woodlawn. (472-84369/132719/620426/\_/665546) Traffic to be maintained during construction using flagpersons and barricades. (Districts I, III, IV)

Parga Construction - \$185,300.00 (Engineer's Estimate)

Decel Lane on south side of 21st Street North to serve Cross Pointe Addition - south of 21st Street North, east of Greenwich. (472-84229/765979/490094) Does not affect existing traffic. (District II)

Cornejo & Sons Construction - \$35,390.00 (Negotiated to Engineer's Estimate)

Kellogg Avenue (US-54)/Rock Road Interchange, Part 9, Grading, Concrete Pavement, Utilities, Seeding (Temporary) and Lighting for a section of the North Frontage Road near Armour and the Armour Frontage Road - Frontage Road along Kellogg at Armour. (54-87K 8258-09/472-84323/702346/401361) Traffic to be maintained during construction using flagpersons and barricades. (District II)

Cornejo & Sons Construction - \$766,729.00

17th Street North Drainage Improvements, Broadway to I-135, Phase I - north of 13th Street North, east of Broadway. (472-84392/706953/206419) 17th Street to be closed during construction. (District VI)

Dondlinger & Sons - \$569,700.00

Paving, Drainage and Water Improvements for Harry, from K-42 to Meridian (472-84001/706900/204366) Traffic to be maintained during construction using flagpersons and barricades. (District IV)

Cornejo & Sons Construction - \$1,071,875.40 (Award redirected)

Motion--

Mayans moved that the contracts be awarded as outlined above, subject to check, same being the lowest and best bid within the Engineer's construction estimate, and the and the necessary signatures be authorized. Motion carried 7 to 0.

--carried

PARK & RECREATION DEPARTMENT/RECREATION DIVISION: Design, Furnish and Install Field Lighting.

Phillips Southern Electric Co., Inc. - \$106,221.00 (Group 1/Base bid total)

\$ 96,485.00 (Group 1/Option 1)

Total... \$202,706.00

AIRPORT DEPARTMENT/ENGINEERING DIVISION: Runway 14-32 Joint Re-Seal PhaseII.

Musselman & Hall Contractors LLC - \$89,600.00 (Total Bid)

WATER & SEWER DEPARTMENT/WATER DISTRIBUTION DIVISION: Trailer Mounted 185 C.F.M. Air Compressors.

Victor L. Phillips Company - \$25,734.00 (Total Base Bid)

\$ 508.00 (Group 1/Option 1)

\$ 724.00 (Group 1/Option 2)

# CITY COUNCIL PROCEEDINGS

JOURNAL 185

MARCH 7, 2006

PAGE 289

POLICE DEPARTMENT: Motorola XTS5000 Mobile Radios and Accessories for Police Vehicles.

Motorola Inc. - \$693,896.28\* (State of Kansas Contract #28440)

\*Purchases utilizing Government Entities Contracts, Cooperative  
Contracts and Agreements - Ordinance No. 38-122 Section 2.64.020 (j).

## LICENSE

### APPLICATION FOR LICENSE.

#### Renewal:

Robert Floyd	Kellogg Gift Shop Inc. dba as Priscilla's	6143 West Kellogg
--------------	--	-------------------

Motion--  
--carried

Mayans moved that the license be approved subject to Staff review and approval. Motion carried 7 to 0.

## CMBS

### APPLICATIONS FOR LICENSES TO RETAIL CEREAL MALT BEVERAGES:

<u>Renewal</u>	<u>2006</u>	<u>(Consumption on Premises)</u>
Maria E. Romero	Angela's Café*	901 East Central
Arounh Sengseevong	Bangkok Thai Restaurant*	2020 South Rock Road Suite #50

<u>Renewal</u>	<u>2006</u>	<u>(Consumption off Premises)</u>
Greg Johnson	Whatta A Stop	1203 East Pawnee
Hau Ma	K-T Store	40015 Seneca
Edward J. Roitz	Fleming Convenience	345 South Hillside

<u>New Operator</u>	<u>2006</u>	<u>(Consumption on Premises)</u>
Jitendra P. Patel	Valero	4003 South Broadway

\*General/Restaurant - 50% or more of gross receipts derived from sale of food.

Motion--  
--carried

Mayans moved that the licenses be approved subject to Staff review and approval. Motion carried 7 to 0.

## PRELIM. ESTS.

### PRELIMINARY ESTIMATES:

- North Sanitary Sewer Pump Station and Main 15, Sanitary Sewer 23 – along Meridian from south of 53rd Street North to 61st Street North. (468-83682/744009/622083/480697/671118. Traffic to be maintained during construction using flagpersons and barricades. (District VI) - \$9,100,000
- Storm Water Drain #286 to serve Emerald Bay Estates Addition – south of 29th Street North, west of West Street. (468-84140/751417/485308). Does not affect existing traffic. (District V) - \$723,000
- 2006 Contract Maintenance Asphalt Mill & Overlay Phase 1 – north of 13th Street North, west of Grove. (472-84372/131532/620447/\_665567). Traffic to be maintained during construction using flagpersons and barricades. (Districts I, V, VI) - \$899,850

Motion--carried

Mayans moved that the file be received. Motion carried 7 to 0.

# CITY COUNCIL PROCEEDINGS

JOURNAL 185

MARCH 7, 2006

PAGE 290

(Item 8)

STATEMENT/COST

**STATEMENT OF COST: (THIS ITEM WAS PULLED TO BE CONSIDERED WITH ITEM 28)**

- a) East-West Alley between Martinson and Elizabeth, McCormick and Irving, from the west line of Martinson to 160' west of Martinson to serve John McCormick's Addition. Construction cost-\$27,374.14; Idle Fund interest estimated-\$153.36; Temporary financing estimated-\$1,353.17; TOTAL COST-\$28,900.00

STREET CLOSURES

**CONSIDERATION OF STREET CLOSURES/USES.**

- Young People's Concerts, Tuesday and Wednesday, April 11-13, 2006
  - 1) Century II Drive from Main Street, north to Douglas
  - 2) Perimeter drive around east side of Century II
    - April 11th, 9:00 a.m. to Noon
    - April 12 & 13th, 11:30 a.m. to 2: 30 p.m.

Motion--

Mayans moved that the request be approved subject to : (1) Event sponsors notifying every property and/or business adjoining any portion of the closed street; (2) Coordination of event arrangements with City Staff; (3) Hiring off-duty public safety officers as required by the Police Department; (4) Obtaining barricades to close the streets in accordance with requirements of Police, Fire and Public Works Department; (5) Submitting a Certificate of Insurance evidencing general liability insurance which covers the event and its related activities, including the naming of the City as an additional insured with respect to the event's use of the closed City streets. Motion carried 7 to 0.

--carried

FALCON FALLS

**AGREEMENT TO RESPREAD ASSESSMENTS: FALCON FALLS COMMERCIAL ADDITION, NORTH OF 45TH STREET NORTH AND WEST OF HILLSIDE AVENUE. (DISTRICT I)**

Agenda Report No. 06-0225

The landowner, Heights, L.L.C., a Kansas Limited Liability Company, platted Falcon Falls Commercial Addition and has submitted an Agreement to respread special assessments within the Addition.

The land was originally included in an improvement district for a main sanitary sewer improvement. The purpose of the Agreement is to respread special assessments on a fractional basis for each lot, therefore, distributing the cost of the improvement more fairly. Without the Agreement, the assessments will be spread on a square foot basis.

There is no cost to the City.

The Agreement has been approved as to form by the Law Department.

Motion--

Mayans moved that the Agreement be approved and the necessary signatures authorized. Motion carried 7 to 0.

--carried

# CITY COUNCIL PROCEEDINGS

JOURNAL 185

MARCH 7, 2006

PAGE 291

## **FALCON FALLS 3RD AGREEMENT TO RESPREAD ASSESSMENTS: FALCON FALLS THIRD ADDITION, NORTH OF 45TH STREET NORTH AND WEST OF HILLSIDE AVENUE. (DISTRICT I)**

Agenda Report No. 06-0226

The landowner, Heights, L.L.C., a Kansas Limited Liability Company, platted Falcon Falls 3rd Addition and has submitted an Agreement to respread special assessments within the Addition.

The land was originally included in an improvement district for a main sanitary sewer improvement. The purpose of the Agreement is to respread special assessments on a fractional basis for each lot, therefore, distributing the cost of the improvement more fairly. Without the Agreement, the assessments will be spread on a square foot basis.

There is no cost to the City.

The Agreement has been approved as to form by the Law Department.

Motion--  
--carried

Mayans moved that the Agreement be approved and the necessary signatures authorized.  
Motion carried 7 to 0.

## **STANDBY POWER STANDBY POWER GENERATION.**

Agenda Report No. 06-0227

Reliable power is a critical element in providing water service to the City of Wichita and its customers. The Water & Sewer Department's Vulnerability Assessment identified lack of standby power generation as a security concern and recommended the installation of standby power generation.

Additional to security concerns is the potential for a natural disaster. Events such as the ice storm of January 2005, and the resulting power outages, have further illustrated the need for standby power generation.

A Capital Improvement Program for Water & Sewer Department security has been established. It includes standby power generation for the water treatment plant, Hess pump station, Webb Road pump station, Cheney pump station and the Equus Beds wellfield.

Requests for Proposals were sent to engineering firms, with six firms responding. The Staff Screening & Selection Committee met on November 30, 2005, and selected three firms to interview. On December 22, 2005, the committee heard presentations from the three firms and selected Professional Engineering Consultants (PEC) to provide services.

Water System Security Improvements (CIP W-903) has available funding of \$5,913,970. The Agreement with PEC is for \$199,510.

The Agreement has been approved as to form by the Law Department.

Motion--  
--carried

Mayans moved that the Agreement with PEC for engineering services be approved and the necessary signatures authorized. Motion carried 7 to 0.

# CITY COUNCIL PROCEEDINGS

JOURNAL 185

MARCH 7, 2006

PAGE 292

## **WOODLAWN/ROCK CENTRAL FROM WOODLAWN TO ROCK ROAD. (DISTRICT II)-SUPPLEMENTAL.**

Agenda Report No. 06-0228

On April 16, 2002, the City entered into an Agreement with Ruggles & Bohm, P.A. (R&B) for designing improvements to Central from Woodlawn to Rock Road, not including the Central at Woodlawn intersection. The fee was \$124,260. On July 15, 2003, the City Council approved Supplemental Agreement No. 1, which requested R&B to extend the sanitary sewer farther east to Broadmoor. The fee for this additional work was \$2,200. On August 31, 2004, the City Council approved Supplemental Agreement No. 2, which had R&B make some changes to the plans as a result of right-of-way negotiations with adjacent property owners. The fee was \$6,800.

As the design of this project has progressed, staff now feels that the Woodlawn intersection should be added to the project scope. Supplemental Agreement No. 3 has been prepared to authorize the additional design work.

Payment to R&B will be on a lump sum basis of \$25,970 and will be paid by General Obligation Bonds. Funds are available in the previously approved design and construction projects.

The Supplemental Agreement has been approved as to form by the Law Department.

Motion--  
--carried

Mayans moved that the Agreement be approved and the necessary signatures authorized. Motion carried 7 to 0.

## **WESTAR ENERGY RELOCATION OF WESTAR ENERGY INC., UTILITIES ALONG EAST CENTRAL, BETWEEN CARRIAGE PARKWAY AND BROOKSIDE. (DISTRICTS I AND II)**

Agenda Report No. 06-0229

On November 4, 2003 the City Council approved a project to improve Central between Woodlawn and Oliver. A portion of the necessary work includes relocation of a Westar Energy, Inc underground electric line located on the north side of Central, between Carriage Parkway and Brookside. Final design necessitates relocation of the underground electric lines to recently acquired right of way, the cost of which in this case is the responsibility of the City of Wichita.

Cost to relocate Westar Energy, Inc. underground electric lines is \$30,502.35. An Agreement has been prepared to authorize these expenditures.

Funds are available in the project to provide for utility relocation costs. The funding source is GO bonds.

The Law Department has approved the Agreement as to form.

Motion--  
--carried

Mayans moved that the Agreement be approved and the necessary signatures authorized. Motion carried 7 to 0.



# CITY COUNCIL PROCEEDINGS

JOURNAL 185

MARCH 7, 2006

PAGE 293

## GREAT RACE

### WICHITA/GREAT RACE AGREEMENT.

Agenda Report No. 06-0230

The City of Wichita, Greater Wichita Convention & Visitors Bureau (GWCVB) and Wichita Downtown Development Corporation (WDDC) have successfully partnered together to bring the Great Race to Wichita as an overnight stay. A rally-race for old cars evocative of the 1965 Movie "The Great Race" starring Tony Curtis and Jack Lemon, these "Great Racers" will be at the midway point on a 4,200 mile competition from Philadelphia, Pennsylvania to San Rafael, California when they stop in downtown Wichita. The Great Race was last seen in Wichita in 1985.

The Great Race is the country's longest and richest running vintage automobile rally. Each year more than 100 antique automobiles participate. Each day, drivers and navigators carefully follow a set course while competing in a time-speed-distance race. Vehicles must be 45 years or older and the age factor plays a big part in the final score. This event will be free and open to the public. The plans of the three host partners will be to make this a community event that will bring thousands of visitors to downtown. It is anticipated that an estimated economic impact from the Race participants will be approximately \$200,000.

As a host city for this event, the City of Wichita must enter into an agreement with the Great Race. This agreement requests street closures. It has been determined that the event will take place on June 30, 2006. The City, GWCVB and WDDC would like to host this event on Douglas Avenue, closing Douglas from Main Street to McLean Blvd. (including Douglas Street Bridge) and Century II Drive, from 3:30 PM to Midnight on Friday, June 30, 2006. The GWCVB is fulfilling the request to provide hotel rooms for the Great Race staff, as outlined in the agreement. All partners will work together to agree upon appropriate levels of security, traffic control and arrival gate ceremonies.

There is a \$1,500 host fee for this event; split between the three partners will make the City of Wichita's share at \$500.

Legal has reviewed and approved the contract.

Motion--

Mayans moved that the agreement be approved subject to: (1) the three partners will notify every property and/or business adjoining any portion of the closed street; (2) Coordination of event arrangements with City Staff; (3) Hiring off-duty public safety officers as required by the Police Department; (4) Obtaining barricades to close the streets in accordance with requirements of Police, Fire and Public Works Department; (5) Submitting a Certificate of Insurance evidencing general liability insurance which covers the event and its related activities, including the naming of the City as an additional insured with respect to the event's use of the closed City streets. Motion

--carried

carried 7 to 0.

## PROP. ACQUIS.

### ACQUISITION OF LAND. (DISTRICT V)

Agenda Report No. 06-0231

On December 30, 2003, the City Council approved the acquisition of a parcel of land between Tyler and Maize Roads south of 31st Street South and authorized staff to negotiate a real estate purchase contract. On July 27, 2004, the City Council approved the real estate purchase contract. The contract called for the land to be acquired in four parcels. The first parcel was acquired on September 28, 2004. The other three parcels were optioned with acquisition dates of March 31 of 2005, 2006 and 2007. The second parcel was acquired as scheduled in 2005.

The option price is \$946,667.00 plus interest from March 31, 2004 at .75% (approximately \$14,200). If the option is not exercised by March 31, 2006, it as well as the remaining option shall be declared null and void.

# CITY COUNCIL PROCEEDINGS

JOURNAL 185

MARCH 7, 2006

PAGE 294

Funding for the acquisition was approved by the December 30, 2003 action, as was a bonding resolution.

The Law Department has approved the contract and options as to form.

Motion--  
--carried

Mayans moved that the exercise of the option be approved and the necessary signatures authorized. Motion carried 7 to 0.

## PROP. ACQUIS.

### **ACQUISITION OF EASEMENTS FOR THE INTEGRATED LOCAL WATER SUPPLY PLAN. (HARVEY COUNTY)**

Agenda Report No. 06-0232

On August 3, 1993 the City Council approved the Water Supply Plan prepared by Burns & McDonnell/MKEC Engineering Consultants. The Plan identified cost-effective water resource projects to meet the City's future water needs. On October 10, 2000, City Council approved the projects and implementation of the plan. One portion of the Water Supply Plan is the groundwater recharge project which includes the capture of above base flow water (water which is generated from rainfall runoff above the base river flow) in the Little Arkansas River, the transfer to and storage of captured water in the aquifer, and the recovery and use of this water to meet future demands for the City of Wichita.

Twenty-two sites were identified as necessary for the location of a twenty-four inch water line to serve recharge/recovery wells, recharge well or recharge basins. Twenty-one of the twenty-two easements have been secured. This specific site consists of one-and-a-half acre permanent easement site and a 30-foot-by-1, 290-foot pipeline easement along the southern edge of the subject property. A facility will be constructed on the acre and a half for treating the water with a powder activated carbon before the water is recharged into the ground. The property owner has agreed to convey said easement in exchange of \$17,225.

A budget of \$17,975 is requested; this includes \$17,225 for acquisition and \$750 for title work, title insurance and closing costs. Funding for this project is included in the CIP in W-549, Water Supply Plan Phase III, which has an available funding of over \$7.6 million.

The Law Department has approved the contracts as to form.

Motion--  
--carried

Mayans moved that the Budget and easements be approved and the necessary signatures authorized. Motion carried 7 to 0.

## 1755 N. GROVE

### **SALE OF SURPLUS PROPERTY LOCATED AT 1755 NORTH GROVE. (DISTRICT I)**

Agenda Report No. 06-0233

On December 20, 2005, City Council approved the property to be declared as surplus. The property is located on the Southwest corner of North Grove and 17th Street. It is legally described as Lots 1-3 and Lot 5, Grove Street Logan Addition. The facility was built in 1949 and added onto in 1983 as the location of Fire Station #10. Most recently, the Fire Department has vacated the property and the underground tanks have been removed. This two-story building is 4,410 square feet, brick construction and sits on a 9,583 square foot site. The Zoning is Limited Commercial.

City staff has marketed on the Internet and through advertisements. A local businessman has offered to purchase the property as-is for \$50,000 to relocate his auto repair business there.

The City will receive cash consideration for the sale of the property, less \$300 in closing costs. Upon sale, the property will return to the tax rolls.

# CITY COUNCIL PROCEEDINGS

JOURNAL 185

MARCH 7, 2006

PAGE 295

The Law Department approved the contract as to form.

Motion--  
--carried

Mayans moved that the proposal to purchase the surplus property be accepted and the necessary signatures authorized. Motion carried 7 to 0.

## **SALE VACANT LOT SURPLUS OF VACANT LOT LOCATED AT 1125 NORTH MATHEWSON. (DISTRICT D)**

Agenda Report No. 06-0234

The property under consideration is a vacant lot located in a residential area, 1125 North Mathewson. It is legally described as Lots 68 and 70 on Allen, now Mathewson Avenue in Ghetto's Addition to Wichita and is zoned for single-family use.

All City departments and local government entities have been notified and have shown no interest in the property. The property will first be made available to the non-profit community housing development organizations prior to putting it on the open market.

The City would no longer be responsible for the maintenance of the lot if title is transferred to a non-profit community housing organization and there would be a cash consideration if the property sold on the open market. The surplus and sale of this property to a private party will place additional value into the tax base and the City.

Motion--  
--carried

Mayans moved that the property be declared as surplus and designate it as available for sale to the general public. Motion carried 7 to 0.

### **(Item 14)**

## **GOALS/INDICATORS CITY COUNCIL GOALS: APPROVAL OF INDICATORS.**

Agenda Report No. 06-0235

The City Council and staff participated in a Strategic Opportunities Retreat in November 2005. During the retreat, the group developed and prioritized a list of 2006-2007 goals and indicators for the City of Wichita. The goals were further refined by staff and approved by the City Council on January 24, 2006. On January 31, 2006, and February 3, 2006, each of the Strategy Teams for the five goals engaged in a dialogue with the City Council to gain a clear understanding of the City Council's intentions for the content of the indicators. The Strategy Teams presented revised indicators to the Council on February 28, 2006.

The following indicators are recommended for approval by the City Council:

- Goal: Provide a safe and secure community
  - Maintained and/or improved response time and crime rate
  - Improved environmental health and community safety
  - Maintained and improved citizen perception of public safety
- Goal: Promote economic vitality and affordable living
  - Improved availability, quality and diversity of jobs
  - Sustained affordable living
  - Partnered with economic development and affordable living stakeholders
- Goal: Ensure efficient infrastructure
  - Maintained safe and dependable transportation systems
  - Provided reliable, compliant and secure utilities
  - Maintained and optimized public facilities and assets

# CITY COUNCIL PROCEEDINGS

JOURNAL 185

MARCH 7, 2006

PAGE 296

- Goal: Enhance the quality of life
  - Citizens are retained in the community
  - Citizens are satisfied with the quality of life
  - Citizens receive a return on all of their quality of life investments
- Goal: Support a dynamic core area and vibrant neighborhoods
  - Increased and sustained neighborhood vibrancy citywide
  - Increased sense of community, neighborhood involvement and satisfaction
  - Continued revitalization of the Core Area (as defined by WDDC boundaries)

Mayor Mayans      Mayor Mayans stated that under the analysis of goal number one, it says, “maintain and improve citizen perception of public safety” and we have had citizens today talking about public safety and do we really want to say that we want to improve the perception or do we want to say “maintain and improve citizen public safety.” Asked if the word perception should be omitted.

George Kolb      City Manager stated that this was discussed in several workshops between the strategy teams for providing safe and secure community and at the time the Council was aware that there is a perception out there that things are not as safe and secure as in reality they are and to gage a better perception of how people feel safe in their community, the Council has in consensus felt that we should survey and get a bench mark as to how people really feel about safety in the community. Stated that he feels that is an appropriate measure and that is something that the City Council in their deliberation agreed that should be one of the indicators.

Mayor Mayans      Mayor Mayans stated that at the workshop we do not vote and there may be a consensus if everyone is there at the same time. Stated that because these indicators will serve to fund projects, he would rather know that he is funding public safety then a perception of public safety.

George Kolb      City Manager stated that this is not necessarily something that would be funded. Stated that there are programs that will address safety in a community that can be measured that would be used to help in measuring how successful the Council is in terms of the outcomes that they want to see for this community.

Council Member Skelton      Council Member Skelton stated that there is much concern about the lack of a south city fire station and we could address the perception by building a station, so we would be funding what would be required to improve the perception.

Council Member Martz      Council Member Martz stated that he does not have a problem with any of the wording on this because we had spent a least two workshops discussing the whole ramifications as the goals are fairly broad and these are starting to narrow things down. Stated that in the discussions that took place during the workshops, we did discuss each one of these items as they came up and did have an agreement to leave the wording as it is so he has no problem with the wording.

Council Member Skelton      Council Member Skelton asked the City Manager to comment on the flexibility of these goals.

George Kolb      City Manager explained that these are designed to give the Council overall broad goals in terms of a direction that the organization wishes to take. Stated that the indicators are broad milestones of how successful you are at achieving goals in those particular areas. Stated that they are flexible, can be changed at any time based on circumstances but they want a target in order to direct their resources towards so that they can begin to accurately price government and set priorities and objectives to maximize the use of your resources.

Motion--  
--carried      Mayans moved that the indicators for each of the 2006-2007 goals be approved. Motion carried 7 to 0.

# CITY COUNCIL PROCEEDINGS

JOURNAL 185

MARCH 7, 2006

PAGE 297

## DELTA DATA

### ASSIGNMENT OF LETTER OF INTENT; SUBSTITUTION OF TENANT ENTITY, DELTA DATA SYSTEMS, INC. (DISTRICT II)

Agenda Report No. 06-0236

On February 8, 2005, the City Council approved a one-year Letter of Intent to issue Industrial Revenue Bonds in an amount not-to-exceed \$9,000,000 to finance facilities to be leased to Delta Data Systems, Inc. for the benefit of Delta Dental Plan of Kansas, Inc. The proceeds of the proposed bonds will be used to finance the cost of acquiring, construction and equipping a corporate headquarters facility located in the Waterfront Addition at 13th & Webb. On February 7, 2006, City Council approved a one-year extension of the Letter of Intent until February 8, 2007. The Company is now requesting the approval of an assignment of the letter of intent to a newly formed entity, which will take the place of Delta Data Systems as Tenant.

Analysis: Delta Data Systems, Inc. is requesting that the Industrial Revenue Bonds award be designated to a different entity known as KSDD Properties, LLC. KSDD Properties, LLC is a wholly owned subsidiary of Delta Dental of Kansas, Inc. Its Articles of Organization were filed with the Kansas Secretary of State in December 2005. Delta Data Systems is not being dissolved, but KSDD Properties, LLC is being developed as a separate entity for building ownership. The project will still be subleased to Delta Dental Plan of Kansas, Inc., as originally planned, and Delta Dental Plan of Kansas, Inc. will be the true credit behind all Lease obligations.

There is no financial impact on the City resulting from the requested change.

Bond documents required for the issuance of bonds will be prepared by bond counsel. The City Attorney's office will review and approve the form of bond documents prior to the issuance of any bonds.

Motion--  
--carried

Mayans moved that the Assignment of Letter of Intent to change the Tenant entity from Delta Data Systems, Inc. to KSDD Properties, LLC be approved. Motion carried 7 to 0.

## GILBERT/MOSLEY

### GILBERT & MOSLEY TIF EXTENSION-SETTING HEARING DATE.

Agenda Report No. 06-0237

The City approved a Settlement Agreement with the Kansas Department of Health and Environment (KDHE) on March 26, 1991, under which the City undertook responsibility for the investigation and clean up of the Gilbert & Mosley Site. The City established a tax increment-financing (TIF) district to guarantee funding for the Gilbert & Mosley Redevelopment Project. During the Project, funding has been received from the City's General Fund, contributions from polluters (litigation, arbitration, and settlement), and from a portion of the 20% TIF decrement. Pending capital projects require bonding that will extend beyond the current term of the Project. The TIF funding source will expire in 2011 unless extended. In 2004, the Legislature approved an amendment allowing for a 10 year extension of an environmental TIF, with County and USD approval.

The proposed Resolution states that the City is considering the extension of the Gilbert & Mosley TIF Project for a maximum of 10 years. A hearing date is set for May 9, 2006, which is within the statutory notice period. The resolution also requests approval of the extension by the County Commission and USD 259 School Board. After the public hearing, the City Council may adopt an ordinance approving the extension.

The City has collected less than half of the 20% tax decrement authorized in the TIF district to date. The Project has additional projected capital expenditures of over \$7 million. The term of the bond payments would exceed the current TIF life. Extension of the TIF will allow revenue for bond payments and operating and maintenance expenses until 2021. These revenue requirements will not use the full 20% decrement for that period, however.

# CITY COUNCIL PROCEEDINGS

JOURNAL 185

MARCH 7, 2006

PAGE 298

K.S.A. 12-1771a(g) allows for the extension of an environmental TIF project. The Resolution includes the statutory requirements for notice of a hearing and is approved as to form.

Motion--  
--carried

Mayans moved that the Resolution setting a hearing date of May 9, 2006 be adopted. Motion carried 7 to 0.

## RESOLUTION NO. 06-120

A Resolution stating that the City of Wichita is considering the extension of the competition date of the Redevelopment Project for the Gilbert and Mosley Redevelopment District as adopted in the City of Wichita Ordinance No. 41-461. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

## INVESTMENT POOL MUNICIPAL INVESTMENT POOL RESOLUTION UPDATING AUTHORIZATIONS.

Agenda Report No. 06-0238

State law, City ordinance and the City's investment policy govern the investment of City funds. The City's existing investment policy was approved by the City Council in December of 2005. The 2005 investment policy authorizes the option of investing up to 10% of the City's investment portfolio in the State's Municipal Investment Pool (MIP). The City Council authorized the City's participation in the MIP through resolution 04-410 in August 2004.

Originally authorized staff has changed and there is a need to submit an updated authorized officer list.

There is no direct cost to the City for utilizing the Municipal Investment Pool. Interest earnings are distributed monthly and are net of a 25 basis point fee. The City uses the Municipal Investment Pool as a temporary place to park funds needed for liquidity. The MIP is totally liquid and the City can draw funds with same day notification prior to 10:00 am.

The resolution has been approved as to form by the Law Department.

Motion--  
--carried

Mayans moved that the resolution updating officers authorized to execute investment transactions within the Municipal Investment Pool be adopted and the necessary signatures authorized. Motion carried 7 to 0.

## RESOLUTION NO. 06-121

A Municipal Investment Pool updating authorization. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

## KESG FUNDS

### GRANT APPLICATION FOR KANSAS EMERGENCY SHELTER GRANT FUNDS.

Agenda Report 06-0239

The State of Kansas receives Emergency Shelter Grant (ESG) funds under the McKinney-Vento Homeless Assistance Act. These funds are awarded to local government agencies throughout the state on behalf of homeless service providers. Awards are based on statewide competition. In the past, the City of Wichita has applied for and received emergency shelter grants from the Kansas state program on behalf of local providers, in addition to the City's ESG direct allocation from HUD.

The Kansas Housing Resources Corporation (KHRC) has issued a statewide "Application for a 2006 Kansas Emergency Shelter Grant (KESGP)". The total amount available is \$878,643. Seven homeless service providers in Wichita have submitted requests to the City for the 2006 KESGP application, as detailed below. These projects will be evaluated by the KHRC for funding awards, against projects submitted by other local government agencies in the state.

# CITY COUNCIL PROCEEDINGS

JOURNAL 185

MARCH 7, 2006

PAGE 299

The City of Wichita grant application includes funds for the following agencies and activities:

1. Catholic Charities Anthony Family Shelter - \$16,040 is requested for shelter operations and case management services.
2. Center of Hope - \$8,400 is requested for homeless prevention (assistance with rent).
3. Inter-Faith Inn - \$29,700 is requested for shelter operations and case management services.
4. Ti'Wiconi Safe Haven - \$14,450 is requested for shelter operations and case management services.
5. Salvation Army Emergency Lodge - \$25,000 is requested for shelter operations.
6. UMUM Drop-In Center - \$13,540 to purchase equipment, one part time position, and shelter supplies.
7. YWCA - \$4,000 is requested for shelter operations.
8. City of Wichita - The City is allowed up to 2.5% for administration of the grant. The amount received for administration will be determined by the amount awarded to the City.

The total amount of the request is \$111,130. Each of the requesting agencies has committed to providing the required matching funds or volunteer hours. A total of \$878,643 is available for the State of Kansas ESG program in 2006.

Motion--

Mayans moved that the application for grant funds be approved and the necessary signatures for the application and necessary signatures for contracts if funding is awarded authorized. Motion carried 7 to 0.

--carried

MAAIC, INC.

## **NOTICE OF INTENT FOR THE MID-AMERICAN ALL-INDIAN CENTER, INC. TO APPLY FOR WORKFORCE INVESTMENT ACT FUNDS.**

Agenda Report 06-0240

Until December 2003, the Mid-America All-Indian Center, Inc. (MAAIC) was the grant recipient of federal Workforce Investment Act (WIA) funds to provide employment and training services to eligible Indians and Native Americans (INA) in a 22-county region of south central Kansas, including Wichita. At that time, the Center's Board of Trustees and the U.S. Department of Labor agreed to remove the grant from local administration while the Board re-structured its programs and finances. Currently, a Native American organization in Kansas City administers the south central Kansas program.

Every two years, the Department of Labor allows a competitive process to determine who will administer the Indian and Native American program. City staff has been working with the MAAIC Board of Trustees to prepare a Notice of Intent, the first step toward returning the program to local administration. If successful, the next step will be preparation of a two-year Comprehensive Services Program Plan.

The Notice of Intent reflects the MAAIC Board's wish to operate the WIA INA program through a formal agreement with the City of Wichita. The funds and services will be administered by the City's Career Development Office (CDO), using its successful model of individualized service planning and delivery.

Initial estimates for funding are \$121,690 for the year beginning July 1, 2006 and \$118,558 for the year beginning July 1, 2007. Fifteen percent of the funds will be used by the CDO for administrative costs. The funds are sufficient to serve approximately 35 to 40 customers each year.

If the Notice of Intent is approved by the U.S. Department of Labor, a formal agreement between the City and the MAAIC Board of Trustees will be developed and presented to the City Council before July 1, 2006. MAAIC, Inc. will be the grant recipient; the City will be the Center's sub-contractor for administration and services in the 22-county area.

Motion--carried

Mayans moved to receive and file. Motion carried 7 to 0.

# CITY COUNCIL PROCEEDINGS

JOURNAL 185

MARCH 7, 2006

PAGE 300

(Item 20)

LEGAL SERVICES

## **BOND COUNSEL PROFESSIONAL LEGAL SERVICES.**

Agenda Report No. 06-0241

As the contract for the City's bond counsel came to the end of its term in 2005, a Request for Proposals was promulgated and five law firms responded with proposals to be the City's bond counsel. The responses were referred to the Bond Counsel Review Committee for review. The Committee is comprised of the Finance Director, Housing and Community Services Director, Airport Director, City Attorney and a Senior Assistant City Attorney. The Bond Counsel Review Committee interviewed all five of the law firms and herewith submits its recommendation to the City Council.

The City employs a law firm to provide bond counsel services to the City and its agencies (Airport Authority and the Public Building Commission). Bond counsel provides professional legal services in connection with the issuance and sale of general obligation bonds, general obligation refunding bonds, utility revenue bonds, utility revenue refunding bonds, and temporary notes. The City's Bond Counsel serves as bond counsel for industrial revenue bond issues, except in limited situations.

The Bond Counsel Review Committee recommends the firm of Kutak Rock, LLC. as the law firm that would provide the greatest benefit to the City as bond counsel. The recommendation for the Kutak Rock firm is based on the firm's bond counsel experience, handling of conflicts of interest, record of professionalism and quality legal services, accessibility and responsiveness to clients, understanding of the City's contract objectives, experience and expertise of the firm in bond counsel work, the quality of professional assigned staff, adequacy of resources, ability to provide bond counsel services on a timely basis, a favorable fee structure, and additional information obtained in the interview process.

An agreement outlining the services, compensation schedule and expenses for the City's bond counsel will be negotiated with the firm selected by the City Council.

The Department of Law will draft the Agreement for Professional Services for bond counsel.

Mayor Mayans

Mayor Mayans stated that some of the Council Members had issues relating to the fact that we did not have on this professional services, some idea of what the cost was going to be. Stated that he would recommend deferring this item for the legal department to come back with what the costs of the contract and the financial package is to contract with this legal service.

Motion--carried

Mayans moved to defer this item until the next meeting. Motion carried 7 to 0.

(Item 21)

CULTURAL FUND.

## **CULTURAL FUNDING APPLICATION AND REVIEW PROCESS.**

Agenda Report No. 06-0242

On February 8, 2005 the City Council approved the formation of the Cultural Funding Committee consisting of 11 members. Members of City Council appointed 7 members. The Arts Council appointed 4 members. The committee consisted of representatives from government, education, business, philanthropy, arts organizations and the public at large. The committee was assigned the responsibility to make recommendations to members of City Council on allocation of additional funding for the arts.

The Cultural Funding Committee reviewed grant applications from 34 organizations using the approved application review process. The recommendations for the allocation of funding were then approved by City Council as part of the 2006 budget approval process on August 9, 2005. Contracts for the allocation of funds were approved on December 10, 2005.



# CITY COUNCIL PROCEEDINGS

JOURNAL 185

MARCH 7, 2006

PAGE 301

Approval of the process would provide the City of Wichita a consistent and fair method of allocating funds for the various arts and cultural organizations. The Tier I funded agencies would include: Wichita Art Museum, Botanica, Cowtown, the Arts Council, Mid-America All-Indian Center, the Kansas African-American Museum, and the Wichita Historical Museum. These organizations, with boards of directors, are non-profit agencies that have private/public partnerships with the City of Wichita.

Additional organizations, using the approved process may once again apply for grant consideration. The Cultural Funding Committee will review applications and make recommendations to be presented for Council and City Manager approval.

\$500,000 in savings from 2005 will be used to fund 2007 allocations.

Mayor Mayans

Mayor Mayans stated that he has questions regarding the recommended action the added language "If city funds are recommended and approved it shall be allocated for operations, activities and/or programs within corporate city limits as a requirement." Stated that he does not disagree with this idea, but thinks that we have a committee of citizens that could make those determinations and if we were to approve this, it locks the door to those young people that may just step across the city line to benefit from the arts and culture and just because they happen to take classes or have training across a demographic line and if we approve this we block the Arts and Cultural Committee from making those kind of decisions. Stated that he would prefer that this wording not be part of the recommendation and allow the committee the flexibility to make that decision.

Council Member Martz

Council Member Martz stated that when this process went through the last time he had requested that since we are using Wichita tax payer's money to fund cultural arts that it should be spent on activities within the city limits of Wichita. Stated that there was some disagreement on some areas that are outside of the city limits however, there was not time to make an adjustment at that time.

John D'Angelo

City Arts Director asked that the Chamber Music at the Barn be excluded because the actual physical location where the concerts occur are just outside the city corporate limits. Stated that the corporate office is on South Seneca and is ran by the board of directors but the activities and the vast majority of their audience comes from Wichita and keeping this language would exclude them.

Bob Scott

Mr. Scott stated that Chamber Music of the Barn began 10 years ago by a board of directors and that their corporate office is 2407 South Seneca, since 1997. Stated that the purpose of the funding of whom this project is to serve, they are doing that precisely by serving the children of Wichita and the people who come to the concerts are from Wichita. Stated that the board is made up of 13 members and that 12 of them live and pay taxes in Wichita. Stated that all of their music instructors and camp directors live and work in Wichita and that they are serving the children of Wichita. Stated that out of 1,701 tickets sold last year, 1,288 were from Wichita and in 2005 they served 2,000 dinners purchased from Wichita caterers and booked 47 nights for their musicians from Wichita hotels. Stated that what they are doing benefits the entire community and they are the only other project like this in the Midwest and are providing a service that is being cut from public schools. Mr. Scott asked the City Council who wrote the guidelines, which could exclude this very important project to reconsider and figure out a formula that would work because they are serving the public.

Council Member Brewer

Council Member Brewer stated that they put this committee in place to come up with a program and guidelines as to who to address the cultural arts and that this will be a growing process regarding where we need to make improvements. Stated that we should allow the committee to proceed on with their recommendations but address the issue because we know someone will take advantage of this and eventually you will have a group who will be taking and using the city's funding. Stated that we should have the committee redefine this issue and present it to the Council next time around.

Council Member Fearey

Council Member Fearey stated that the committee is very aware of what has been said and trusts them and that they want this money to work and are not going to do anything to jeopardize it.

Motion--  
--carried

Fearey moved that continuation of the arts funding application and review process be approved.  
Motion carried 7 to 0.

# CITY COUNCIL PROCEEDINGS

JOURNAL 185

MARCH 7, 2006

PAGE 302

## PROS PLAN

### PARKS, RECREATION, AND OPEN SPACES (PROS) PLAN.

Agenda Report No. 06-0243

In 1996 Parks and Pathways Master Plan was completed and issued. In 1999, the Park and Recreation Facilities Study was completed and issued. These studies covered a range of planning efforts but at the time they were more staff driven and were not products directed by the former City Council members or the Park Advisory Board. These plans were based on standards of 15 acres of land to every 1,000 residents, which included playgrounds, neighborhood, community and regional parks, pathways and open space. These plans had sound surveys and good analysis within them, but they are at least eight years old now and its time to develop a new plan for our community's needs.

With any urban growth comes the need to properly plan and enhance services offered by the Park and Recreation Department. These former plan studies do not incorporate the new Visioneering Committee's criteria that were recently gathered from local citizens. It is important as the City limits continue to expand that the City provide adequate and well maintained park and recreation programs that reach across all age groups and incorporates diversified opportunities for all its citizens. The new plan will be based on outcomes recommended by both the Park Advisory Board and the City Council. This new plan will be used as a tool to guide the Park Advisory Board, City Council, and staff as future decisions are made on capital improvement planning, program enhancements, pathways, and open spaces. This plan can also help with future planning and zoning of subdivisions, identify land developer partnerships, and provide additional green space to the citizens.

We will seek partners in this effort so a comprehensive buffering plan can be established between the City and other surrounding communities. This long-range plan can provide opportunities for grants, private donations, and other fund-raising events. This plan will help to include the quality of life goals that are being established by the City Council and other neighborhood concerns and issues can also be gathered and identified in the plan.

The Law Department has reviewed and approved the agenda report as to form.

Motion--  
--carried

Mayans moved that the initiation of the Parks, Recreation, and Open Space (PROS) Plan project be authorized and the necessary signatures authorized. Motion carried 7 to 0.

## ORDINANCE

### SECOND READING ORDINANCE: (FIRST READ FEBRUARY 28, 2006)

a) A06-05R-generally located northwest of the intersection of 55th Street and K-15. (District III)

An Ordinance including and incorporating certain blocks, parcels, pieces and tracts of land within the limits and boundaries of the City of Wichita, Kansas, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans. (A06-05)

# CITY COUNCIL PROCEEDINGS

JOURNAL 185

MARCH 7, 2006

PAGE 303

## OLD BUSINESS

### **HUMANE SOCIETY**

### **WICHITA ANIMAL CARE CAMPUS, CITY AND HUMANE SOCIETY.** **(CONTINUED AUGUST 23, 2005)**

Kay Johnson

Director of Environmental Services reviewed the item.

Agenda Report No. 06-0244

On May 18, 2004, the City Council approved a Memorandum of Understanding (MOU) between the City and Kansas Humane Society (KHS).

On June 8, 2004, the City Council approved the Capital Improvement Project (CIP) and authorized staff to select a design consultant.

On April 5, 2005, the City Council approved a contract with Wilson Darnell Mann Architect (WDM) for the Programming Phase of the project and a Letter of Intent between the City and KHS.

On August 23, 2005, the City Council approved the purchase of 3239 N. Hillside for the Animal Care Campus.

WDM has completed the Programming Phase of the project, which identified the objectives of both agencies, preliminary requirements for building systems, anticipated animals to be housed, daily operations, and space programs. The next step in this project is the Schematic Design Phase. This phase when complete will provide for concept plans, a report describing recommended facility systems, materials, finishes and overall concept of interior spaces to include a detailed site plan, equipment requirements, final design criteria, furnishings and conceptual cost estimates based on approved budgets. A peer review will also be conducted as part of this phase.

In accordance with the Letter of Intent, the City took the initial financial responsibility for the first contract with WDM. The first contract arranged for site engineering, environmental reviews, and site surveys necessary in preliminary site designation, to develop program needs and to prepare preliminary cost estimates for the project. The first contract with WDM for the Programming Phase was for \$84,110.00. Under the terms of the Letter of Intent KHS will reimburse the City for one half of all the preliminary design work or \$42,050.00.

The City has negotiated independent of KHS with WDM a fee for the Schematic Design Phase of this project. The Contract Amendment with WDM for \$45,374.00 will provide for concept plans, site and facility layouts, recommended facility systems, materials, finishes and concept of interior spaces, equipment requirements, final design criteria, and conceptual cost estimates. KHS will negotiate independent of the City with WDM a fee for the Schematic Design and future phases of this project and pay for those fees from their capital fund.

In addition to the Contract Amendment between the City and WDM, a Land/Lease Agreement has been established between the City and KHS, which set out the consideration of the premises and the mutual promises of the parties. The Agreement has been approved and signed by the KHS Executive Director and Board President. Staff recommends Council approval.

The project is authorized in the 2004-2013 Capital Improvement Program (CIP). The CIP includes \$300,000 for design in 2004 and \$3 million for construction in 2005 for a total of \$3.3 million. KHS has secured financing for their part through a capital campaign and has matching funds.

The Law Department has approved the Contact Amendment and Land/Lease Agreement as to form.

# CITY COUNCIL PROCEEDINGS

JOURNAL 185

MARCH 7, 2006

PAGE 304

Mayor Mayans Mayor Mayans inquired whether anyone wished to be heard and no one appeared.

Motion-- Mayans moved that the Contract Amendment and Land/Lease Agreement be approved and the  
--carried necessary signatures authorized. Motion carried 7 to 0.

## **CARNEGIE LIBRARY SALE OF FORMER CARNEGIE LIBRARY AT 220 SOUTH MAIN. (DISTRICT I)**

John Philbrick Real Estate Supervisor reviewed the item.

Agenda Report No. 06-0258

The building at 220 South Main was constructed in 1914 for use as the City library. It served in a variety of public functions until 2001 when its museum functions were transferred to Exploration Place. It has been vacant since 2001. The property is listed as a historic building on Federal, State and local lists. The building has 10,684 square feet above grade and 4,918 square feet of basement area. The center of the building houses a small planetarium area left from when the building was used as a museum.

The property has been on the Internet and through information to the real estate community. Historically there have been several expressions of interest but for a variety of reasons including lack of parking, physical layout, general condition, historical nature, etc., no firm offers were made. In June 2005, Fidelity Bank presented an offer to lease the building. Efforts to reach an agreement on lease terms were unsuccessful. Fidelity has modified their proposal to a purchase offer. During the negotiating period, a second purchase offer was received from Allen Wilkie. Fidelity's purchase price is \$330,000. They intend to spend at least \$1,000,000 to renovate and restore the building. They will then relocate their Mortgage Servicing Division into the building. Mr. Wilkie's offer includes a purchase price of \$250,000. He also intends to renovate the building. He estimates that the renovation costs will be less than \$500,000. He then intends to lease the building on a speculative basis to office users.

The City will receive cash consideration for the sale of the property.. Upon sale, the property will return to the tax rolls and the City will be relieved of maintenance responsibility.

The Law Department approved the contract as to form.

Mayor Mayans Mayor Mayans stated that he would like to defer this item until a request for proposal for purchase of the building to see what other ideas are out there. Stated that he feels that the price that is being considered is a little low. Stated that we should do a RFP for the sale of the building.

Mayor Mayans Mayor Mayans inquired whether anyone wished to be heard.

Scott Eades Mr. Eades stated that he would be speaking on behalf of Mr. Wilke who is one of the people who presented an offer. Stated that he would like the Council to understand that they may not have the name recognition as some of the other builders but are a very competent, well established real estate person within the community. Stated that they want to convert this building into a top premier office space and they have given a good offer. Stated that he would like to make sure that the Council realizes that there are other people who can take this property and make it something that we can all be proud of and would like to be considered and not to be overlooked because they do not have the big name that the other person does.

# CITY COUNCIL PROCEEDINGS

JOURNAL 185

MARCH 7, 2006

PAGE 305

- Council Member Brewer Council Member Brewer stated that there is a business that is sitting directly next door to this building and has people who are employed there and already pay taxes and are located in the downtown area and made a very nice and fair offer, which was higher than any received and will also be making a million dollar investment. Stated that in order for them to be successful and continue on, they must make those investments and expand and if they do not have that opportunity, then we have an issue of this business moving out of the downtown area and relocating some place else. Stated that he believes that this company, which is Fidelity Bank, has made a fair offer and open in what they tend to invest, which is more than anyone has come and say that they are going to invest and have demonstrated a desire to stay in the downtown area and increasing the total number of employees. Stated that he feels this is the best offer that we can get.
- Council Member Fearey Council Member Fearey stated that this is a landlocked building with no dedicated parking next to it and as much as she would like to keep it as a public use, does not think that is going to happen. Stated that she feels that the Fidelity Bank offer is very good and does not want to defer this item.
- Council Member Gray Council Member Gray stated that this is the first opportunity that we have had a viable offer that we should go with and will support this proposal today.
- Council Member Schlapp Council Member Schlapp stated that this is a great use of this building and would like to keep this business downtown and is supportive of this proposal.
- Mayor Mayans Mayor Mayans stated that he feels that both entities that have made their proposals have a lot of integrity and investment within the community. Stated that on item 14, the Council just discussed maintaining and improving citizen perception. Stated that we have never had an RFP in place for a sale and thinks that Mr. Eades is correct in the only reason that we are at several hundred thousand dollars on the purchase is because the 99 years for \$1.00 did not work, which did not work because of perception. Stated that there is no harm if the money is there, all they can do is improve the numbers and what harm is there, if we are truly wanting to address perception, to wait another 30 to 60 days and put it out for an RFP. Stated that there may not be anyone else who will have a better offer but we will increase the amount of money if we wait and see what other ideas people in the community have because they have not had an opportunity for an RFP for a sale and for the City to really go out and do an all out marketing of this property is the proper thing to do. Stated that we have to be consistent with the policies that we do and will vote no if we proceed with either one of these two offers but if we defer, it will help the entire Council and the perception of the Council and the City if we put an RFP out for sale that is marketed properly by the City over a 30 to 60 day period.
- Council Member Martz Council Member Martz stated that Mr. Philbrick has indicated that having a vacant building for five years and everyone in the City has known that this building is vacant and if they were interested in renting or buying it they have had lots of opportunities. Stated that he is very supportive of retaining the business and the expansion for Fidelity Bank and that they have made a very good in faith offer and is supportive of that. Stated that he does not feel that the community today would perceive an action as anything but a good faith move and is supportive of taking action today.
- Motion--  
--carried Brewer moved to accept the Fidelity Financial Corporation proposal and authorize staff to negotiate the contract for sales. Motion carried 6 to 1, (Nay-Mayans)

# CITY COUNCIL PROCEEDINGS

JOURNAL 185

MARCH 7, 2006

PAGE 306

## UNFINISHED BUSINESS

### **2006 RELIEF FUND**

#### **DECLARATION FOR PARTICIPATION IN FIREFIGHTERS RELIEF FUND FOR 2006.** **(DEFERRED FEBRUARY 7, 2006)**

Gary Rebenstorf

Director of Law reviewed the item.

(Council Member Martz momentarily absent)

Agenda Report No. 06-0114A.

At the meeting of February 7, 2006, the City Council deferred Agenda Item #14, regarding the Declaration for Participation in Firefighters Relief Fund for 2006. An Airport Safety Officer and a representative of the IAFF asked the City Council to include Airport Safety Officers in the Declaration as members of the Wichita Firefighter's Relief Association. The item was deferred for further review and a legal opinion by the City Attorney as to whether Airport Safety Officers are eligible to participate in the Association.

The Declaration for Participation must be executed and filed each year to allow the local Firefighters Relief Association to participate in the distribution of the State Firefighters Relief Fund Tax. This Firefighters Relief Fund Tax distribution will be from all fire and lightning insurance premiums collected. The certification indicates that the Wichita Fire Department is a full paid, public fire department with 405 salaried firefighters, and has fire apparatus and necessary equipment that is in serviceable condition with a value exceeding \$20,000,000.00.

By State Statue, two percent of the total premium on fire and lightning insurance written within the State during a calendar year goes to the Commissioner of Insurance to establish the State Firefighter's Relief Fund. After certain payments required by law, the balance of the fund is paid to local firefighters relief associations to be used for benefits for firemen injured, disabled, or killed in the line of duty, payment of funeral expenses, payment of a pension benefit for full-time firemen who are unfit for service after serving 20 years with the department, and to purchase insurance which would provide any of the listed benefits. The Wichita Firemen's Relief Association received \$855,076.54 in the 2004 distribution and received \$832,849.16 in the 2005 distribution. Distribution of the fund to over 575 Associations throughout the state is calculated using the valuation and population of the area the department provides fire protection. The City of Wichita has had a Wichita Firemen's Relief Association since 1896 and has participated in the State Firefighters Relief Association for more than 80 years. The certification is for calendar year 2006.

A legal opinion by the City Attorney addressing the issue of whether Airport Safety Officers are eligible to participate in the Firefighters Relief Association is submitted.

There will be no expense to the City.

(Council Member Schlapp momentarily absent)

Gary Rebenstorf

Director of Law stated that based upon the information that they reviewed it is his legal opinion that it would not be appropriate to have the safety officers in the Wichita Fire Fighters Relief Association, from the standpoint that they do not meet the requirement of the state law, which basically requires that they be members of a fire department, which is under the control of the governing body of a incorporated City. Stated that the Wichita Airport Authority is a separate corporate body but is not a governing body such as the City of Wichita and therefore the Airport Safety Officers are not part of the Wichita Fire Department and they are not part of a fire department that is under the control of the governing body of an incorporated city. The ordinance requirement is that the only members of the Wichita Fire Department can be members of this Fire Fighter's Relief Association. Stated that he did find an Attorney General's opinion that is pretty close to the situation that we have here and that Topeka has a separate airport authority like we do and the airport authority asked the Attorney General whether or not the Airport Safety Officers in Topeka could be part of the Topeka Fire Fighter's Association and the opinion of the Attorney General was no, that they had to be members of a fire

# CITY COUNCIL PROCEEDINGS

JOURNAL 185

MARCH 7, 2006

PAGE 307

department under the control of a governing body of an incorporated city and that they found that the Airport Safety Officers from the Topeka Airport Authority were not under the control of a governing body of an incorporated city. Stated that we have a distinction between the City Council and the Airport Authority, although the City Council acts as the Airport Authority it is deemed to be two separate entities when taking action by either the City Council or by the Airport Authority. Based upon this, that is why he provided the Council with the legal opinion that he does not think it is appropriate under the current state law or city ordinances or pursuant to the Attorney General's Opinion that the Airport Safety Officers would be included with the Wichita Fire Fighters Relief Association. Stated that there are also some issues that we discussed with the members of the Fire Fighters Association along with members of the Commissioner of Insurance's office and he did provide some information that if the Airport Safety Officers were made to be members of the Wichita Fire Department and receive the same training as them that would be one way that could be accomplished and indicated that another way that could be accomplished is by setting up a separate relief association for the Airport Safety Officers.

(Council Member Skelton momentarily absent)

- Ernie Schuler Secretary/Treasurer of the Wichita Fire Fighter's Association stated that the issue for their Board of Directors is that the Airport Safety Officers, whether or not they become members of their association, has no bearing on their declaration to participate in the Relief Fund Act Distribution. Stated that their membership changes year around as new recruit classes come in and are signed up as people leave the department. Stated that whether they become members of their association or not, has no bearing on the declaration that they are requesting that the Council approve and authorize the Mayor to sign.
- Gary Rebenstorf Director of Law stated that the recommended action for this matter is that in reviewing those statutes that apply to this Fire Fighter's Association, the Commissioner of Insurance has the responsibility for administering the funds and setting up administrative regulations for the administration of those funds and that he is recommending that we ask the Council to direct the City Attorney to send a request to the Commissioner of Insurance for them to make a determination of this matter since it is under their authority to make that decision and at the same time he would recommend to go ahead and approve this declaration for the Wichita Fire Fighter's Association, since it is a separate matter from the Airport Safety Officers being included in the association and to get this participation for the Wichita Fire Fighters on file is necessary at this point and time and then depending on the decision of the Commissioner of Insurance, then they can deal with the issue as to the Airport Safety Officers.
- Mayor Mayans Mayor Mayans inquired whether anyone wished to be heard.
- Doug Pickard Stated that he is the one who requested that this item be deferred until the legal department could review it further but last month there was not a time issue and now there is and would support the City Attorney and ask the City Council to split the question and go ahead and approve the Certificate of Participation and will study the appropriateness of the Airport Safety Officers at a later time.
- Mayor Mayans Mayor Mayans stated that the last time this issue was before the Council it dealt only with the Relief Association and now the motion is more of a policy, where there are two motions in one. Stated that there is a legal opinion and the declaration of participation in the Fire Fighter's Relief Fund for 2006. Mayor Mayans asked if the Commissioner of Insurance comes back and says that the safety officers are indeed part of the association, would staff be willing to include them.
- Gary Rebenstorf Director of Law explained that if the Commissioner of Insurance makes that determination, then that would be binding upon the City because she has the overall authority in this matter.
- Mayor Mayans Mayor Mayans stated that the motion on the agenda report is not the same as what is on the agenda, which is what is available to the public.
- Gary Rebenstorf Director of Law stated that apparently when the agenda was first put together the action was not consistent with the agenda report.

# CITY COUNCIL PROCEEDINGS

JOURNAL 185

MARCH 7, 2006

PAGE 308

Mayor Mayans  
Mayor Mayans stated that the agenda was revised last night and delivered to their office and that the recommended action on the agenda is not the same recommended action that is on the green sheet. Stated that the green sheet was typed before this was produced again and this is a revision after the green sheet. Stated that again, when an agenda is placed outside of the Council for the public to see and the recommendation is different from what staff sees, we have to be more attentive.

Motion--  
Mayans moved that the City Council direct the City Attorney to request a determination from the Commissioner of Insurance as to whether the Airport Safety Officers of the Wichita Airport Authority are eligible to participate in the Firefighter's Relief Association operated by and through the Kansas Insurance Department and that this legal opinion accompany said request to the Commissioner of Insurance it is further recommended that the City Council approve the Declaration for Participation in the Firefighters Relief Association for 2006 by the Wichita Fire Department be approved and authorize the Mayor to sign. Motion carried 7 to 0.

--carried

## PAWNEE MESA

### **PETITION TO CONSTRUCT A STORM WATER SEWER TO SERVE LOTS 25-36, BLOCK 13, PAWNEE MESA ADDITION, NORTH OF PAWNEE, EAST OF 119TH STREET WEST. (DISTRICT IV)** **(DEFERRED FEBRUARY 14, 2006)**

(Council Member Fearey momentarily absent)

Jim Armour  
City Engineer reviewed the item.

Agenda Report No. 06-0169A.

On February 14, 2006, the City Council considered a Petition to construct a storm water sewer in Pawnee Mesa Addition. The council voted 6-0 to defer action on the Petition so Council Member Gray is present. The signatures on the Petition represents 15 of 22 (68.2%) resident owners and 74.5% of the improvement district area. District IV Advisory Board sponsored a January 18, 2005, neighborhood hearing on the project. The Board voted 9-2 to recommend approval of the project.

The project will construct a storm water sewer for a residential area with back yards that do not drain properly, resulting in stagnant water that kills grass and can breed mosquitoes.

The project budget contained in the Petition is \$90,000, with the total assessed to the improvement district. The method of assessment is the square foot basis. The estimated assessment to individual properties is \$00.95 per square foot of ownership. In addition, it is proposed that the project budget be increased to include work in Pawnee Street right-of-way. The estimated cost of the additional work is \$45,000, funded by the Storm Water Utility, for a total cost of \$135,000. Funding for the Utility share is budgeted in the Drainage Hot Spot Program.

State Statutes provide that a Petition is valid if signed by a majority of resident property owners or owners of a majority of property in the improvement district.

Motion--  
Gray moved that the Petition with the \$45,000 budget increase be approved; the Resolution adopted and the necessary signatures authorized. Motion carried 6 to 0, (Fearey absent)

--carried

## RESOLUTION NO. 06-122

Resolution of findings of advisability and Resolution authorizing improving Storm Water Sewer No. 621 (north of Pawnee, east of 119<sup>th</sup> Street West) 468-84152, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Gray moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Gray, Martz, Schlapp, Skelton, and Mayans, (Fearey absent).



# CITY COUNCIL PROCEEDINGS

JOURNAL 185

MARCH 7, 2006

PAGE 309

## NEW BUSINESS

### CONDEMNATION

#### REPAIR OR REMOVAL OF DANGEROUS AND UNSAFE STRUCTURES. (DISTRICT I)

Kurt Schroeder

Office of Central Inspection Supervisor reviewed the item.

Agenda Report 06-0245

On January 10, 2006 a report was submitted with respect to the dangerous and unsafe conditions on the property below. The Council adopted a resolution providing for a public hearing to be held on this condemnation action at 9:30 a.m. or as soon thereafter, on March 7, 2006.

On December 5, 2005, the Board of Code Standards and Appeals (BCSA) held a hearing on the following property:

Property Address

Council District

a. 1155 North Spruce

I

Detailed information/analysis concerning this property is included in the attachments.

Pursuant to State Statute, the Resolution was duly published twice on January 12, 2006, and January 19, 2006. A copy of each resolution was sent by certified mail or given personal service delivery to the owners and lien holders of record of the described property.

Barbara Shugart

Ms. Shugart stated that they have just started the probate court process because she had to get another attorney. Stated that her husband has started cleaning up around the property and that they have a bid on the property to repair the roof, porch and inside structure of the house. Stated that they cannot do anything until the property has been released to her and in her name in order to get financial assistance.

Motion--

Brewer moved to grant the property owner 60 days to get the property acquired and an additional 30 days to obtain the financial information on getting the property and within the next 10 days from today's date, have the property completely secured and if these things do not occur within the next 90 days, then to proceed with staff's recommendation for condemnation. Motion carried 7 to 0.

--carried

#### RESOLUTION NO. 06-124

A Resolution finding that the structure/s legally described as Lots 1 and 3, on Tenth Street Addition to the City of Wichita, Kansas, Sedgwick County, Kansas known as 1155 North Spruce, is unsafe or dangerous and directing the structure/s to be made safe and secure or removed, presented. Brewer moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

### PAVING PROJECTS

#### PUBLIC HEARING ON PROPOSED ASSESSMENTS FOR (36) THIRTY-SIX PAVING PROJECTS IN JULY 2006 BOND SALES SERIES 786.

Jim Armour

City Engineer reviewed the item.

(Mayor Mayans momentarily absent, Vice-Mayor Schlapp in the chair)

Agenda Report No. 06-0246

The Council was notified on February 7, 2006 that the proposed assessment rolls were on file for public inspection in the Department of Finance.

# CITY COUNCIL PROCEEDINGS

JOURNAL 185

MARCH 7, 2006

PAGE 310

Notice of hearing letters were published February 10, 2006 in the Wichita Eagle being not less than ten days prior to the date of hearing. All affected property owners have been notified in writing. Department of Finance and Public Works staff held an informal hearing February 27, 2006 at 11:00 a.m. for the paving projects.

Statements of Special Assessment will be mailed to the property owners on March 24, 2006. The property owners have 30 days from date of statement to pay their assessment and avoid paying interest. The assessments not paid during this period will be in the July 2006 bond sale. The interest added to the principal amount will be determined by the rate at which the bonds sell. The principal and interest will then be spread and placed on the 2006 tax roll.

These projects were initiated pursuant to provisions of K.S.A. 12-6a01 et seq. as amended. All of the projects were 100% petitions with the exception of:

Paving Projects		
472-83388	76.19% Petition	Improving E-W Alley between Martinson & Elizabeth; McCormick & Irving
472-83908	72.92% Petition	Improving Hoover
472-83958	Ordered In	Improving 27th Street
472-83959	Ordered In	Improving 27th Street
472-83960	Ordered In	Improving 27th Street
472-83961	Ordered In	Improving 27th Street
472-84041	60.00% Petition	Improving Kessler
472-84062	51.22% Petition	Improving Bickel, 8th St., Gow Ave., Murdock Ave.
472-84112	76.04% Petition	Improving Eisenhower

a) (490-036/472-82312) IMPROVING WADDINGTON COURT (North of Central, West of Tyler), as authorized by Resolution R-93-111, rescinded by R-05-047, adopted March 23, 1993, February 1, 2005, and published March 26, 1993, February 4, 2005, corrected & republished March 8, 2005. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved, December 13, 2005 in the amount of \$66,900.00 is to be apportioned 100% payable by the improvement district to the improvement district. The cost has been assessed on a fractional basis.

b) (490-798/472-83388) IMPROVING OF E-W ALLEY BETWEEN MARTINSON & ELIZABETH, MCCORMICK & IRVING (West of Martinson), as authorized by Resolution R-01-220, adopted June 5, 2001, and published June 8, 2001. Petition for this improvement was signed by owners representing 76.19% of the property ownership. The Statement of Cost approved, December 13, 2005 in the amount of \$28,900.00 is to be apportioned 100% payable by the improvement district to the improvement district. The cost has been assessed on a square foot basis.

c) (490-994/472-83625) IMPROVING VICTORIA, MARIE, 44TH ST. SOUTH & GREENWOOD (West of Hydraulic, South of 44th St. South), as authorized by Resolution R-04-059, amended by R-04-415, adopted February 10, 2004, August 17, 2004, and published February 13, 2004, August 20, 2004. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved, December 13, 2005 in the amount of \$240,900.00 is to be apportioned 100% payable by the improvement district to the improvement district. The cost has been assessed on a fractional basis.

d) (490-037/472-83689) IMPROVING PEREGRINE, KITE, BLACKHAWK, KITE CIR. & SIDEWALK (South of 53rd Street North, West of Hillside), as authorized by Resolution R-03-049, adopted February 4, 2003, and published February 8, 2003. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved, December 13, 2005 in the amount of \$333,600.00 is to be apportioned 100% payable by the improvement district to the improvement district. The cost has been assessed on a fractional basis.

# CITY COUNCIL PROCEEDINGS

JOURNAL 185

MARCH 7, 2006

PAGE 311

- e) (490-992/472-83708) IMPROVING A NORTH-BOUND LEFT TURN LANE ON WOODLAWN (West of Woodlawn, South of 29th Street North), as authorized by Resolution R-03-150, adopted March 18, 2003, and published March 22, 2003. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved, December 13, 2005 in the amount of \$42,400.00 is to be apportioned 100% payable by the improvement district to the improvement district. The cost has been assessed on a fractional basis.
- f) (490-020/472-83722) IMPROVING CAVIT, DECKER, BURTON, & SIDEWALK (West of 135th Street West, North of Maple), as authorized by Resolution R-03-086, rescinded by R-04-364, adopted February 11, 2003 & July 20, 2004, and published February 15, 2003 & July 23, 2004. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved, December 13, 2005 in the amount of \$238,000.00 is to be apportioned 100% payable by the improvement district to the improvement district. The cost has been assessed on a fractional basis.
- g) (490-003/472-83759) IMPROVING CITY VIEW , SHERIAC CIRCLE INCLUDING CUL-DE-SAC, SHERIAC COURT AND SIDEWALK (West of 135th Street West, North of Maple), as authorized by Resolution R-03-206, amended by R-04-537, adopted May 6, 2003 & September 28, 2004, and published May 9, 2003 & October 1, 2004. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved, December 13, 2005 in the amount of \$250,000.00 is to be apportioned 100% payable by the improvement district to the improvement district. The cost has been assessed on a fractional basis.
- h) (490-002/472-83773) IMPROVING NORTHWIND (East of Ridge, North of 29th Street North), as authorized by Resolution R-03-235, adopted May 13, 2003, and published May 16, 2003. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved, December 13, 2005 in the amount of \$42,100.00 is to be apportioned 100% payable by the improvement district to the improvement district. The cost has been assessed on a fractional basis.
- i) (490-029/472-83790) IMPROVING DEN HOLLOW, DEN HOLLOW CT., DEN HOLLOW CIR., INCLUDING CUL-DE SACS (North of 29th St. North, between Maize & Tyler), as authorized by Resolution R-03-305, adopted June 10, 2003, and published June 13, 2003. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved, December 13, 2005 in the amount of \$233,400.00 is to be apportioned 100% payable by the improvement district to the improvement district. The cost has been assessed on a fractional basis.
- j) (490-008/472-83803) IMPROVING 28TH STREET NORTH (North of 21st, West of Greenwich Road), as authorized by Resolution R-03-320, adopted June 17, 2003, and published June 20, 2003. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved, December 13, 2005 in the amount of \$88,500.00 is to be apportioned 100% payable by the improvement district to the improvement district. The cost has been assessed on a fractional basis.
- k) (491-007/472-83815) IMPROVING FACADE AT 111 W. DOUGLAS (South of Douglas, West of Main), as authorized by Resolution R-03-419, adopted August 5, 2003, and published August 8, 2003; corrected & republished December 20, 2004. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved, December 13, 2005 in the amount of \$146,000.00 is to be apportioned 78.571429% payable by the improvement district; 21.428571% payable by the City at large to the improvement district. The cost has been assessed on a square foot basis.
- l) (490-936/472-83816) IMPROVING PADDOCK GREEN CIRCLE INCLUDING THE CUL-DE-SACS (South of 21st. Street, West of Webb), as authorized by Resolution R-03-385, adopted July 15, 2003, and published July 18, 2003. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved, December 13, 2005 in the amount of \$148,800.00 is to be apportioned 100% payable by the improvement district to the improvement district. The cost has been assessed on a fractional basis.

# CITY COUNCIL PROCEEDINGS

JOURNAL 185

MARCH 7, 2006

PAGE 312

m) (490-929/472-83818) IMPROVING SHILOH STREET, BOSTON, ZIMMERLY, SHILOH COURT, BOSTON COURT INCLUDING CUL-DE-SACS & SIDEWALK (North of Harry, West of Greenwich), as authorized by Resolution R-03-431, amended by Resolution No. R-04-118, adopted August 5, 2003 & March 16, 2004, and published August 8, 2003 & March 19, 2004. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved, December 13, 2005 in the amount of \$814,300.00 is to be apportioned 100% payable by the improvement district to the improvement district. The cost has been assessed on a fractional basis.

n) (491-009/472-83864) CONSTRUCTION OF FACADE IMPROVEMENTS AT 810 W. DOUGLAS (South of Douglas, West of Main), as authorized by Resolution R-03-537, adopted October 21, 2003, and published October 24, 2003. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved, December 13, 2005 in the amount of \$54,100.00 is to be apportioned 75% payable by the improvement district; 25% payable by the City at Large to the improvement district. The cost has been assessed on a square foot basis.

o) (490-024/472-83893) IMPROVING FOUNDERS CIRCLE, CUL-DE-SAC & SIDEWALK (South of 21st, East of K-96 Expressway), as authorized by Resolution R-03-640, adopted December 2, 2003, and published December 5, 2003. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved, December 13, 2005 in the amount of \$249,400.00 is to be apportioned 100% payable by the improvement district to the improvement district. The cost has been assessed on a fractional basis.

p) (490-949/472-83894) IMPROVING UNIVERSITY AVENUE (South of Maple, East of Ridge), as authorized by Resolution R-04-034, rescinded by R-05-093, adopted January 13, 2004, March 1, 2005, and published January 16, 2004, March 4, 2005. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved, December 13, 2005 in the amount of \$35,300.00 is to be apportioned 100% payable by the improvement district to the improvement district. The cost has been assessed on a fractional basis.

q) (491-010/472-83896) CONSTRUCTION OF FACADE IMPROVEMENTS AT 1011 & 1017 W DOUGLAS (South of Douglas, East of Seneca), as authorized by Resolution R-03-627, adopted December 2, 2003, and published December 5, 2003. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved, December 13, 2005 in the amount of \$52,600.00 is to be apportioned 75% payable by the improvement district; 25% payable by the City At Large to the improvement district. The cost has been assessed on a square foot basis.

r) (490-956/472-83908) IMPROVING HOOVER (North of Central, East of I-235 Expressway), as authorized by Resolution R-04-037, adopted February 3, 2004, and published February 6, 2004. Petition for this improvement was signed by owners representing 72.92% of the property ownership. The Statement of Cost approved, December 13, 2005 in the amount of \$253,500.00 is to be apportioned 84% payable by the improvement district, 16 percent payable by the City at Large to the improvement district. The cost has been assessed on a square foot basis.

s) (490-979/472-83958) IMPROVING 27TH STREET NORTH (West of Jackson to the middle of 27th North & Jackson), as authorized by Resolution R-04-126, R-04-136, adopted March 16, 2004, April 6, 2004, and published March 18, 2004, April 8, 2004, corrected & republished January 26, 2006. Petition for this improvement was Ordered In. The Statement of Cost approved, December 13, 2005 in the amount of \$33,700.00 is to be apportioned 85% payable by the improvement district; 15% payable by the City at Large to the improvement district. The cost has been assessed on a square foot basis.

t) (490-982/472-83959) IMPROVING 27TH ST. N. FROM THE WEST LINE OF WELLINGTON TO THE WEST LINE OF MARKET (West of Wellington to the West Line of Market), as authorized by Resolution R-04-127, R-04-138, adopted March 16, 2004. April 6, 2004, and published March 18, 2004, April 8, 2004. Petition for this improvement was Ordered In. The Statement of Cost approved, December 13, 2005 in the amount of \$99,600.00 is to be apportioned 83% payable by the improvement district; 17% payable by the City at Large to the improvement district. The cost has been assessed on a square foot basis.

# CITY COUNCIL PROCEEDINGS

JOURNAL 185

MARCH 7, 2006

PAGE 313

- u) (490-981/472-83960) IMPROVING 27TH ST. N. FROM THE MIDDLE OF THE INTERSECTION OF 27TH & WACO (27TH & WACO to the E. of FAIRVIEW), as authorized by Resolution R-04-128, R-04-137, adopted March 16, 2004, April 6, 2004, and published March 18, 2004, April 8, 2004, corrected & republished April 29, 2004, July 22, 2005 & January 26, 2006. Petition for this improvement was Ordered In. The Statement of Cost approved, December 13, 2005 in the amount of \$49,800.00 is to be apportioned 85% payable by the improvement district; 15% payable by the City at Large to the improvement district. The cost has been assessed on a square foot basis.
- v) (490-980/472-83961) IMPROVING 27TH ST. N. FROM THE MIDDLE OF THE INTERSECTION OF 27TH & JACKSON (27th & Jackson to the middle of the Intersection of 27th & Waco), as authorized by Resolution R-04-129, R-04-135, adopted March 16, 2004, April 6, 2004, and published March 18, 2004, April 8, 2004, corrected & republished November 17, 2005 & January 26, 2006. Petition for this improvement was Ordered In. The Statement of Cost approved, December 13, 2005 in the amount of \$56,300.00 is to be apportioned 85% payable by the improvement district; 15% payable by the City at Large to the improvement district. The cost has been assessed on a square foot basis.
- w) (490-986/472-83993) IMPROVING CLARA ST., DORIS ST. & SIDEWALK (East of Hoover, South of 13th), as authorized by Resolution R-04-201, amended by Resolution No. R-04-390, adopted April 20, 2004 & August 3, 2004, and published April 23, 2004 & August 6, 2004. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved, December 13, 2005 in the amount of \$228,300.00 is to be apportioned 100% payable by the improvement district to the improvement district. The cost has been assessed on a fractional basis.
- x) (490-010/472-84023) IMPROVING MANCHESTER, WATERSIDE, WATERSIDE COURTS (3) & SIDEWALK (North of 37th Street North, West of Maize), as authorized by Resolution R-04-371, adopted July 20, 2004, and published July 23, 2004. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved, December 13, 2005 in the amount of \$392,000.00 is to be apportioned 100% payable by the improvement district to the improvement district. The cost has been assessed on a fractional basis.
- y) (490-989/472-84025) IMPROVING WESTLAKES COURT, WESTLAKES PARKWAY & SIDEWALK (East of Maize, North of 29th Street North), as authorized by Resolution R-04-238, adopted May 18, 2004, and published May 21, 2004. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved, December 13, 2005 in the amount of \$677,800.00 is to be apportioned 100% payable by the improvement district to the improvement district. The cost has been assessed on a fractional basis.
- z) (490-012/472-84028) IMPROVING JEWELL, GRANT, ROGERS LANE, JEWELL COURT, GRANT COURT, ROGERS CIRCLE, INCLUDING CUL-DE-SACS & SIDEWALK (North of Pawnee, West of 119th Street West), as authorized by Resolution R-04-262, rescinded by R-05-108, adopted May 18, 2004 & March 1, 2005, and published May 21, 2004, corrected & republished on July 9, 2004 & March 4, 2005. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved, December 13, 2005 in the amount of \$480,400.00 is to be apportioned 100% payable by the improvement district to the improvement district. The cost has been assessed on a fractional basis.
- aa) (490-004/472-84041) IMPROVING KESSLER (North of Kellogg, East of West Street), as authorized by Resolution R-04-341, adopted July 13, 2004, and published July 19, 2004, corrected & republished July 26, 2004. Petition for this improvement was signed by owners representing 60% of the property ownership. The Statement of Cost approved, December 13, 2005 in the amount of \$130,100.00 is to be apportioned 100 % payable by the improvement district to the improvement district. The cost has been assessed on a square foot basis.

# CITY COUNCIL PROCEEDINGS

JOURNAL 185

MARCH 7, 2006

PAGE 314

ab) (490-993/472-84047) CONSTRUCTING TRAFFIC SIGNALIZATION AT THE INTERSECTION OF WOODLAWN & SOUTH OF 29TH STREET NORTH (Woodlawn, South of 29th St. North), as authorized by Resolution R-04-285, adopted June 8, 2004, and published June 11, 2004. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved, December 13, 2005 in the amount of \$218,700.00 is to be apportioned 100 % payable by the improvement district to the improvement district. The cost has been assessed on a fractional basis.

ac) (490-017/472-84062) IMPROVING BICKEL, 8TH ST. N, & GOW AVE. (South of 9th, West of Sheridan), as authorized by Resolution R-04-414, adopted August 17, 2004, and published August 20, 2004. Petition for this improvement was signed by owners representing 51.22% of the property ownership. The Statement of Cost approved, December 13, 2005 in the amount of \$181,200.00 is to be apportioned 100% payable by the improvement district to the improvement district. The cost has been assessed on a square foot basis.

ad) (490-018/472-84074) IMPROVING BLUELAKE, 31ST ST. S., BOLIN DR., SABIN, BLUELAKE CT., INCLUDING CUL-DE-SAC & SIDEWALK (West of West Street, North of MacArthur), as authorized by Resolution R-04-480, rescinded by R-05-133, rescinded by R-05-369, adopted September 14, 2004 & March 22, 2005, July 12, 2005, and published September 17, 2004 & March 28, 2005, July 16, 2005. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved, December 13, 2005 in the amount of \$1,014,100.00 is to be apportioned 100% payable by the improvement district to the improvement district. The cost has been assessed on a fractional basis.

ae) (490-043/472-84085) IMPROVING HAWTHORNE ST. & HAWTHORNE CT., (West of 143rd Street East, South of Central), as authorized by Resolution R-04-566, adopted October 12, 2004, and published October 15, 2004. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved, December 13, 2005 in the amount of \$85,200.00 is to be apportioned 100% payable by the improvement district to the improvement district. The cost has been assessed on a fractional basis.

af) (490-030/472-84097) IMPROVING LARK, HADDEN, FIELDCREST ST., ATLANTA CIR., HADDEN CIR., CUL-DE-SAC & SIDEWALK (South of Pawnee, West of Maize), as authorized by Resolution R-04-512, adopted September 14, 2004, and published September 17, 2004. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved, December 13, 2005 in the amount of \$287,100.00 is to be apportioned 100% payable by the improvement district to the improvement district. The cost has been assessed on a fractional basis.

ag) (490-023/472-84109) IMPROVING PATTIE (West of Hydraulic, South of 31st Street South), as authorized by Resolution R-04-549, adopted October 12, 2004, and published October 15, 2004, corrected & republished December 20, 2004. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved, December 13, 2005 in the amount of \$10,000.00 is to be apportioned 100% payable by the improvement district to the improvement district. The cost has been assessed on a square foot basis.

ah) (490-022/472-84110) IMPROVING SIDEWALK ALONG WEST SIDE OF RESERVE A (South of 21st., East of 127th St. East), as authorized by Resolution R-04-548, rescinded by R-05-044, adopted October 12, 2004 & January 25, 2005, and published October 15, 2004, corrected & republished December 20, 2004 & January 31, 2005, corrected & republished March 18, 2005. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved, December 13, 2005 in the amount of \$68,600.00 is to be apportioned 100% payable by the improvement district to the improvement district. The cost has been assessed on a fractional basis.

# CITY COUNCIL PROCEEDINGS

JOURNAL 185

MARCH 7, 2006

PAGE 315

ai) (490-021/472-84112) IMPROVING EISENHOWER COURT (West of Hoover, South of Harry), as authorized by Resolution R-04-573, adopted October 12, 2004, and published October 15, 2004. Petition for this improvement was signed by owners representing 76.04% of the property ownership. The Statement of Cost approved, December 13, 2005 in the amount of \$96,100.00 is to be apportioned 100% payable by the improvement district to the improvement district. The cost has been assessed on a fractional basis.

aj) (490-035/472-84126) IMPROVING 45TH ST. SOUTH, LEONINE, 45TH ST. SOUTH CT. INCLUDING THE CUL-DE-SAC & SIDEWALK (North of 47th St. South, East of West St.), as authorized by Resolution R-05-006, adopted January 4, 2005, and published January 10, 2005 corrected & republished January 28, 2005. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved, December 13, 2005 in the amount of \$132,900.00 is to be apportioned 100% payable by the improvement district to the improvement district. The cost has been assessed on a fractional basis.

Vice-Mayor Schlapp

Vice-Mayor Schlapp inquired whether anyone wished to be heard and no one appeared.

Motion--  
--carried

Skelton moved that the Public Hearing be closed; the proposed assessments approved and the ordinances placed on first reading. Motion carried 6 to 0; (Mayans momentarily absent).

## ORDINANCE

a) (490-036/472-82312) IMPROVING WADDINGTON COURT (North of Central, West of Tyler), introduced and under the plans laid over.

## ORDINANCE

b) (490-798/472-83388) IMPROVING OF E-W ALLEY BETWEEN MARTINSON & ELIZABETH, MCCORMICK & IRVING (West of Martinson), introduced and under the plans laid over.

## ORDINANCE

c) (490-994/472-83625) IMPROVING VICTORIA, MARIE, 44TH ST. SOUTH & GREENWOOD (West of Hydraulic, South of 44th St. South), introduced and under the plans laid over.

## ORDINANCE

d) (490-037/472-83689) IMPROVING PEREGRINE, KITE, BLACKHAWK, KITE CIR. & SIDEWALK (South of 53rd Street North, West of Hillside), introduced and under the plans laid over.

## ORDINANCE

e) (490-992/472-83708) IMPROVING A NORTH-BOUND LEFT TURN LANE ON WOODLAWN (West of Woodlawn, South of 29th Street North), introduced and under the plans laid over.

## ORDINANCE

f) (490-020/472-83722) IMPROVING CAVIT, DECKER, BURTON, & SIDEWALK (West of 135th Street West, North of Maple), introduced and under the plans laid over.

## ORDINANCE

g) (490-003/472-83759) IMPROVING CITY VIEW, SHERIAC CIRCLE INCLUDING CUL-DE-SAC, SHERIAC COURT AND SIDEWALK (West of 135th Street West, North of Maple), introduced and under the plans laid over.

# CITY COUNCIL PROCEEDINGS

JOURNAL 185

MARCH 7, 2006

PAGE 316

## ORDINANCE

h) (490-002/472-83773) IMPROVING NORTHWIND (East of Ridge, North of 29th Street North), introduced and under the plans laid over.

## ORDINANCE

i) (490-029/472-83790) IMPROVING DEN HOLLOW, DEN HOLLOW CT., DEN HOLLOW CIR. INCLUDING CUL-DE SACS (North of 29th St. North, between Maize & Tyler), introduced and under the plans laid over.

## ORDINANCE

j) (490-008/472-83803) IMPROVING 28TH STREET NORTH (North of 21st, West of Greenwich Road), introduced and under the plans laid over.

## ORDINANCE

k) (491-007/472-83815) IMPROVING FACADE AT 111 W. DOUGLAS (South of Douglas, West of Main), introduced and under the plans laid over.

## ORDINANCE

l) (490-936/472-83816) IMPROVING PADDOCK GREEN CIRCLE INCLUDING THE CUL-DE-SACS (South of 21st. Street, West of Webb), introduced and under the plans laid over.

## ORDINANCE

m) (490-929/472-83818) IMPROVING SHILOH STREET, BOSTON, ZIMMERLY, SHILOH COURT, BOSTON COURT INCLUDING CUL-DE-SACS & SIDEWALK (North of Harry, West of Greenwich), introduced and under the plans laid over.

## ORDINANCE

n) (491-009/472-83864) CONSTRUCTION OF FACADE IMPROVEMENTS AT 810 W. DOUGLAS (South of Douglas, West of Main), introduced and under the plans laid over.

## ORDINANCE

o) (490-024/472-83893) IMPROVING FOUNDERS CIRCLE, CUL-DE-SAC & SIDEWALK (South of 21st, East of K-96 Expressway), introduced and under the plans laid over.

## ORDINANCE

p) (490-949/472-83894) IMPROVING UNIVERSITY AVENUE (South of Maple, East of Ridge), introduced and under the plans laid over.

## ORDINANCE

q) (491-010/472-83896) CONSTRUCTION OF FACADE IMPROVEMENTS AT 1011 & 1017 W DOUGLAS (South of Douglas, East of Seneca), introduced and under the plans laid over.

## ORDINANCE

r) (490-956/472-83908) IMPROVING HOOVER (North of Central, East of I-235 Expressway), introduced and under the plans laid over.



# CITY COUNCIL PROCEEDINGS

JOURNAL 185

MARCH 7, 2006

PAGE 317

## ORDINANCE

s) (490-979/472-83958) IMPROVING 27TH STREET NORTH (West of Jackson to the middle of 27th North & Jackson), introduced and under the plans laid over.

## ORDINANCE

t) (490-982/472-83959) IMPROVING 27TH ST. N. FROM THE WEST LINE OF WELLINGTON TO THE WEST LINE OF MARKET (West of Wellington to the West Line of Market), introduced and under the plans laid over.

## ORDINANCE

u) (490-981/472-83960) IMPROVING 27TH ST. N. FROM THE MIDDLE OF THE INTERSECTION OF 27TH & WACO (27TH & WACO to the E. of FAIRVIEW), introduced and under the plans laid over.

## ORDINANCE

v) (490-980/472-83961) IMPROVING 27TH ST. N. FROM THE MIDDLE OF THE INTERSECTION OF 27TH & JACKSON (27th & Jackson to the middle of the Intersection of 27th & Waco), introduced and under the plans laid over.

## ORDINANCE

w) (490-986/472-83993) IMPROVING CLARA ST., DORIS ST. & SIDEWALK (East of Hoover, South of 13th), introduced and under the plans laid over.

## ORDINANCE

x) (490-010/472-84023) IMPROVING MANCHESTER, WATERSIDE, WATERSIDE COURTS (3) & SIDEWALK (North of 37th Street North, West of Maize), introduced and under the plans laid over.

## ORDINANCE

y) (490-989/472-84025) IMPROVING WESTLAKES COURT, WESTLAKES PARKWAY & SIDEWALK (East of Maize, North of 29th Street North), introduced and under the plans laid over.

## ORDINANCE

z) (490-012/472-84028) IMPROVING JEWELL, GRANT, ROGERS LANE, JEWELL COURT, GRANT COURT, ROGERS CIRCLE, INCLUDING CUL-DE-SACS & SIDEWALK (North of Pawnee, West of 119th Street West), introduced and under the plans laid over.

## ORDINANCE

aa) (490-004/472-84041) IMPROVING KESSLER (North of Kellogg, East of West Street), introduced and under the plans laid over.

## ORDINANCE

ab) (490-993/472-84047) CONSTRUCTING TRAFFIC SIGNALIZATION AT THE INTERSECTION OF WOODLAWN & SOUTH OF 29TH STREET NORTH (Woodlawn, South of 29th St. North), introduced and under the plans laid over.

# CITY COUNCIL PROCEEDINGS

JOURNAL 185

MARCH 7, 2006

PAGE 318

## ORDINANCE

ac) (490-017/472-84062) IMPROVING BICKEL, 8TH ST. N, & GOW AVE. (South of 9th, West of Sheridan), introduced and under the plans laid over.

## ORDINANCE

ad) (490-018/472-84074) IMPROVING BLUELAKE, 31ST ST. S., BOLIN DR., SABIN, BLUELAKE CT., INCLUDING CUL-DE-SAC & SIDEWALK (West of West Street, North of MacArthur), introduced and under the plans laid over.

## ORDINANCE

ae) (490-043/472-84085) IMPROVING HAWTHORNE ST. & HAWTHORNE CT., (West of 143rd Street East, South of Central), introduced and under the plans laid over.

## ORDINANCE

af) (490-030/472-84097) IMPROVING LARK, HADDEN, FIELDCREST ST., ATLANTA CIR., HADDEN CIR., CUL-DE-SAC & SIDEWALK (South of Pawnee, West of Maize), introduced and under the plans laid over.

## ORDINANCE

ag) (490-023/472-84109) IMPROVING PATTIE (West of Hydraulic, South of 31st Street South), introduced and under the plans laid over.

## ORDINANCE

ah) (490-022/472-84110) IMPROVING SIDEWALK ALONG WEST SIDE OF RESERVE A (South of 21st., East of 127th St. East), introduced and under the plans laid over.

## ORDINANCE

ai) (490-021/472-84112) IMPROVING EISENHOWER COURT (West of Hoover, South of Harry), introduced and under the plans laid over.

## ORDINANCE

aj) (490-035/472-84126) IMPROVING 45TH ST. SOUTH, LEONINE, 45TH ST. SOUTH CT. INCLUDING THE CUL-DE-SAC & SIDEWALK (North of 47th St. South, East of West St.), introduced and under the plans laid over.

## DRAINAGE PROJ.

### **17TH STREET NORTH DRAINAGE PROJECT, BETWEEN ST. FRANCIS AND SANTA FE STREETS. (DISTRICT VI)**

Jim Armour

City Engineer reviewed the item.

Agenda Report No.06-0247

The 2005-2014 Capital Improvement Program adopted by the City Council includes a project to improve 17th St. North, between Broadway and the I-135 Freeway. The work includes the construction of a large concrete box culvert to provide proper drainage for the new pavement and surrounding areas. A portion of this culvert will extend under the Central Railroad Corridor between St. Francis and Santa

# CITY COUNCIL PROCEEDINGS

JOURNAL 185

MARCH 7, 2006

PAGE 319

Because of the construction of the Central Rail Corridor Project, now would be the time to install the new box in the railroad right-of-way. If the box can be installed while the tracks are removed, installation can be the open-cut method compared to the much more expensive method of boring. Railroad permitting and associated costs for insurance and flagging will be much less. If the City Council agrees and authorizes a portion of this culvert to be constructed now, construction would be done this summer.

The estimated cost of the 17th St. North drainage work within the railroad right-of-way is \$1,000,000. The drainage and the street work for the entire project is included in the 2007 and 2008 CIP for \$5,250,000. It is recommended that \$1,000,000 be moved forward to 2006 to allow this work.

The Law Department has approved the authorizing Resolution as to legal form.

Vice-Mayor Schlapp

Vice-Mayor Schlapp inquired whether anyone wished to be heard and no one appeared.

Motion--  
--carried

Fearey moved that the project be approved; the Resolution adopted and the necessary signatures authorized. Motion carried 7 to 0.

## RESOLUTION NO. 06-119

A Resolution authorizing the issuance of Bonds by the City of Wichita at large to construct a Storm Water Drain along 17<sup>th</sup> Street North through the Central Railroad Corridor (phase I drainage improvements of the 17<sup>th</sup> Street North improvements, between Broadway and the I-35 Freeway) 472-84392, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Fearey moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

TIF

### **LETTER OR INTENT FOR 47TH AND BROADWAY REDEVELOPMENT PROJECT AND RESOLUTION CONSIDERING THE ESTABLISHMENT OF A REDEVELOPMENT DISTRICT, TAX INCREMENT FINANCING. (DISTRICT IV)**

Terry Cassady

Development Assistance Director reviewed the item.

Agenda Report No. 06-0248

David Christie, a commercial real estate developer from Overland Park, Kansas, has approached the City of Wichita with a proposal to redevelop a 21-acre area at the southwest corner of 47th Street South and Broadway. Mr. Christie's plan for the first phase of development of this area calls for the replacement of the existing multi-tenant shopping center at that location with a new, 135,000 square foot Home Depot store and the construction of a new 30,000 square foot retail center on the vacant land adjacent to the west. The total development cost for this phase of the development is estimated at \$8.6 million. Total employment is expected to be 200 jobs at an average wage of \$12 per hour.

Mr. Christie has asked the City to assist with the redevelopment project by providing tax increment financing (TIF) in an amount not-to-exceed \$1.5 million to pay for infrastructure, demolition, site work, parking, landscaping and relocation costs. In order to accommodate this request, the City Council would need to designate D.J. Christie, Inc. as the City's preferred developer of the proposed redevelopment district, approve a letter of intent setting forth the basic elements of the business deal, and adopt a resolution setting a date for a public hearing on the establishment of the proposed redevelopment district.

The area proposed for redevelopment is bounded on the north by 47th Street South, on the east by Broadway, on the south by 48th Street South and on the west by Water Street. This site is located within an area that was designated by the City Council as an Enterprise Zone prior to July 1, 1992. State law allows cities to establish redevelopment districts in areas that are located within former Enterprise Zones, as an alternative to areas containing slum and blight or conservation areas.

# CITY COUNCIL PROCEEDINGS

JOURNAL 185

MARCH 7, 2006

PAGE 320

City staff and D.J. Christie, Inc. have negotiated the basic business elements of a development agreement as set forth in the attached letter of intent. The letter of intent is not binding on the City and must be replaced by a development agreement for the terms to be enforceable. The letter of intent signifies the City's present intent to provide funding through tax increment financing in an amount not-to-exceed \$1.5 million to pay for eligible redevelopment project costs. Additional TIF funds would be used to pay for reasonable costs directly related to the issuance of TIF bonds. However, the total amount funded through tax increment financing cannot exceed the amount supported by a TIF feasibility study contained in a detailed redevelopment project plan.

Tax increment financing allows the increased tax revenue resulting from the redevelopment of property to be reinvested in the redevelopment project. Once a TIF district is established and a redevelopment project plan is adopted by City Council, the increment of increased tax revenue is set aside by the County Treasurer and can be used by the City to repay bonds issued to finance certain improvements that are specified in the redevelopment project plan.

The first step in establishing the tax increment district is the adoption of a resolution which states that the City Council is considering the establishment of the TIF district and sets the date for a public hearing on the matter. The earliest date a public hearing could be held is April 11, 2006. After closing the public hearing, the City Council may adopt an ordinance establishing the redevelopment district.

The resolution directs the City Clerk to publish the resolution in the City's official newspaper and to mail copies, by certified mail, to the owners and occupants of all property located within the district and to the Board of County Commissioners and Board of Education. The resolution also includes a map of the proposed district and a proposed district plan identifying potential redevelopment project areas and a general description of buildings and facilities to be constructed or improved.

Tax increment financing falls under the City's Economic Development Incentive Policy, and as such this project will be subject to the provisions of said Policy, unless specifically waived or adjusted by the City Council. For example, it may be necessary to waive or adjust the requirement that projects must show a cost-benefit ratio of at least 1.3 to one in order to receive incentives. As a commercial redevelopment project consisting of retail businesses, it is unlikely the project will qualify under that requirement.

The cost of mailing the Resolution to all owners and occupants of property located within the district will be charged to Economic Development Fund and will be ultimately financed with TIF revenues.

As set forth in the letter of intent, the developer and/or Home Depot will be required to provide satisfactory guarantees for the payment of any shortfall in TIF revenues available for debt service on any "full faith and credit" TIF bonds issued by the City. If the City issues TIF revenue bonds instead of full faith and credit TIF bonds, the shortfall guarantee would not be required. TIF revenue bonds are secured by and paid solely from available TIF revenue and the City is not obligated to cover any TIF revenue shortfalls.

The City's Law Department has prepared the letter of intent and approved the resolution, as to form. The actual establishment of the redevelopment tax increment financing district will not be effective until the City Council adopts an ordinance for that purpose, following the aforementioned public hearing. The Sedgwick County Board of County Commissioners and the Wichita Board of Education will have 30 days following the public hearing to veto the establishment of the redevelopment district. The legal authority to issue bonds paid from TIF revenues will not be established until the City Council adopts a detailed redevelopment project plan, by a two-thirds majority vote.

# CITY COUNCIL PROCEEDINGS

JOURNAL 185

MARCH 7, 2006

PAGE 321

Mayor Mayans

Mayor Mayans inquired whether anyone wished to be heard and no one appeared.

Motion--

Gray moved that D.J. Christie, Inc. be designated as the preferred developer of a redevelopment project in the area of 47th Street South and Broadway; the letter of intent to provide Tax Increment Financing in an amount not-to-exceed \$1,500,000 plus costs of issuance be approved; the resolution providing notice of consideration for the establishment of the proposed redevelopment district and setting a public hearing for April 18, 2006 be adopted and the necessary signatures authorized. Motion carried 7 to 0.

--carried

## RESOLUTION NO. 06-123

A Resolution stating the City of Wichita is considering the establishment of a Redevelopment District for the Broadway and 47<sup>th</sup> Street Redevelopment District under authority of K. S. A. 12-1770, ET SEQ. Gray moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

## KECHI AGRMNT

### AGREEMENT BY AND BETWEEN THE CITY OF WICHITA AND THE CITY OF KECHI.

David Warren

Director of Water and Sewer reviewed the item.

Agenda Report No. 06-0249

Wichita has provided wholesale water service to the City of Kechi since 1985. Due to the growth in Kechi, the existing service line is inadequate to provide future service.

At Kechi's request, Wichita examined the prospect of providing an additional connection to supply Kechi's future water needs. Elevated storage was recently constructed in the area and has enabled the Water Utility to provide the additional supply and capacity, and improved pressures to Kechi.

Kechi has requested that Wichita plan, obtain necessary rights-of-way and easements, and construct this supply main. Along with this, Kechi has indicated that it will reimburse Wichita one hundred percent for these services. It would then have ownership and maintenance responsibilities for the referenced facilities.

The planned location for the supply main is indicated on the proposed Agreement. In general, the location of the supply main will be in the area of 53rd Street North and Rock Road. Kechi's governing body has approved the Agreement.

Kechi will reimburse Wichita for the expenses incurred for the services, as outlined in the proposed Agreement. Construction of the facilities will result in expanded service to Kechi and in additional revenues to the Water Utility.

The Agreement has been reviewed and approved as to form by the Law Department.

Mayor Mayans

Mayor Mayans inquired whether anyone wished to be heard and no one appeared.

Motion--

Mayans moved that the Agreement with the City of Kechi for construction of the twelve-inch supply line and connection to Kechi from Wichita be approved. Motion carried 7 to 0.

--carried

# CITY COUNCIL PROCEEDINGS

JOURNAL 185

MARCH 7, 2006

PAGE 322

## **MEDIA PURCHASE      CONVENTION AND VISITORS BUREAU NATIONAL MEDIA PURCHASE.**

Jessica Johnson

Marketing Director reviewed the item.

Agenda Report No. 06-0250

In an effort to take advantage of unique marketing and research opportunities, the City Council initiated a "Tourism Research/Marketing Fund" as part of the Tourism and Convention Fund in the annual budget. This allocation is funded from the transient guest tax. It is earmarked to fund special activities as deemed appropriate by the Greater Wichita Convention and Visitors Bureau (GWCVB) and City staff to approach City Council for approval.

The GWCVB has an opportunity to purchase deeply discounted national media purchases through the Destination Marketing Association International (formerly International Association of Convention & Visitors Bureaus, a professional association of CVBs). The purchase is:

- One (1) full page black/white ad in the USA Today South Central Region, appearing in Dallas, Houston, Kansas City, New Orleans, Nashville and St. Louis.
- Estimated value of USA Today ad: \$34,172
- Actual cost: \$8,000
- Two (2) full-page four-color ads in Fortune Magazine, running in different months
- Estimated value of each ad: \$25,750 or total value of \$51,500.
- Each ad will cost \$6,000.
- Actual cost: \$12,000
- Total Cost: \$20,000

The 2006 GWCVB Contract was approved by City Council on February 14. In that contract, the marketing and promotion goals outline a planned increase for regional and national exposure for Wichita. Staff has worked on this budget and feel that these expenses are necessary allocations to promote Wichita on a national level.

The 2006 Adopted Budget has \$75,000 in this fund. Therefore, there is enough money to grant the \$20,000 allocation.

There are no legal considerations.

Olivia Simmons

Vice-President of the Greater Wichita Convention and Visitor's Bureau reported that the GWCVB is the marketing arm for the City and currently they have already placed national advertising in publications that are targeted to convention business, group motor coach business and the leisure business. Stated that as they move forward they are able to identify increased opportunities as they intensify their advertising to include a broader national audience. Stated that through their association with the Destination Marketing Association International, they were able to secure some advertising at an incredible price that they felt was too good to pass up. Stated one of these is a USA Today, which is targeted to the south-central region, which has approximately 373,000 readers with an actual full-page black and white ad in the USA Today for this particular region would have cost over \$34,000.00 and they were able to secure it for \$8,000.00. Stated that they were also able to secure two full-page full color ads in Fortune Magazine and the actual value for each ad was almost \$26,000.00 and they were able to secure each for \$6,000.00 or a total for both ads \$12,000.00. Stated for a total of \$20,000.00 they were able to create a cost savings of over \$65,000.00.

Mayor Mayans

Mayor Mayans inquired whether anyone wished to be heard and no one appeared.

Motion--

Mayans moved that the requested GWCVB allocation from the Tourism Research and Marketing fund within the Tourism and Convention Fund be approved and the necessary signatures authorized.

--carried

Motion carried 7 to 0.

# CITY COUNCIL PROCEEDINGS

JOURNAL 185

MARCH 7, 2006

PAGE 323

## PLANNING AGENDA

Motion--  
--carried

Mayans moved that Planning Consent items 35-39 be approved in accordance with the recommended action shown thereon. Motion carried 7 to 0.

(Item 33)  
CUP2005-72

**CUP2005-72, (ASSOCIATED WITH ZON2005-00054)-CREATION OF D293 E.S. DEVELOPMENT MIDWEST COMMERCIAL COMMUNITY UNIT PLAN; ZONE CHANGE TO LIMITED COMMERCIAL. GENERALLY LOCATED EAST OF MAIZE ROAD APPROXIMATELY ¼ MILE NORTH OF 21ST STREET NORTH. (DISTRICT V)**

(Council Member Gray momentarily absent)

John Schlegel

Planning Director reviewed the item.

Agenda Report No. 06-0251

MAPC Recommendation: Approve, subject to revised conditions, vote (11-1).

MAPD Staff Recommendations: Approve, subject to conditions.

DAB Recommendations: DAB V approve subject to conditions, vote (8-1).

The applicant proposes to create a commercial Community Unit Plan containing approximately 4.54 acres located east of Maize Road, approximately ¼ mile north of 21st Street North and rezone the property from "SF-5" Single-family Residential to "LC" Limited Commercial. The CUP anticipates cross lot circulation with DP-204 Chadsworth Commercial CUP (see General Provision 23). The proposed CUP would be designed to tie together with this commercial development.

After several public meetings, the applicant/agent has agreed to modify some of the original provisions of the CUP to reduce the impact of development on the residences to the north and east. The revised conditions are included in the background discussion that follows.

The CUP has one parcel, which would permit only uses considered more compatible in close proximity to residential than normally found on an "LC" zoned tract. Permitted uses would be the following:  
Residential: single-family; duplex; assisted living;  
Public and civic: church or place of worship; college or university; community assembly; convalescent care facility; day care; government service; group home; hospital; library; parks and recreation; safety service; school; utility, minor;  
Commercial: ATM; bank or financial institution; broadcast/recording studio; funeral home; medical service; office, general; parking area, commercial; personal care service; personal improvement service; post office substation; printing and copying, limited; recreation and entertainment, indoor; restaurant; retail, general; vocational school; wireless communication facility; storage, outdoor.

The list of prohibited uses would be: adult entertainment establishment; sexually oriented business; asphalt/concrete plant; private club; tavern, drinking establishment; multi-family; accessory apartment; group residence; neighborhood swimming pool; cemetery; correctional placement residence; golf course; recycling collection station; reverse vending machine utility, major; animal care; bed and breakfast inn; car wash; construction sales and services; convenience store; heliport; hotel or motel; kennel; marine facility; monument sales; night club in the City; parking area, nursery and garden center; commercial; pawn shop; printing and publishing, general; recreation and entertainment, outdoor; recreational vehicle campground; secondhand store; service station; vehicle and equipment sales, outdoor; vehicle repair, limited; wireless communication facility; manufacturing, limited; mining or quarrying ; oil or gas drilling; rock crushing; solid waste incinerator; agricultural research; agricultural sales and service. Conditional uses in "LC" would require a CUP amendment approval in lieu of Conditional Use approval prior to being permitted.

# CITY COUNCIL PROCEEDINGS

JOURNAL 185

MARCH 7, 2006

PAGE 324

The applicant agreed to prohibit restaurants with drive-in service or drive-through service on the northern 150 feet of the CUP. Quick-service or fast-food drive-in service and/or order boards would be prohibited on the eastern 300 feet, but drive-in service for other types of restaurants and retail uses would be allowed on the eastern 300 feet not within the northern 150 feet of the CUP. The southwest corner of the tract would allow order boards, but using noise mitigation techniques including sound dampening boards, partitions and/or evergreen materials and not allowing speakers directed in a northerly direction. The applicant also offered to restrict trash pick-up to after 8 a.m. daily.

Buildings would have uniform architectural compatibility of character, color, texture and materials, and would use earth-tone colors predominately, with metal not used as a predominant exterior material or used on facades above the screening wall adjoining residential zoning except as trim. Parking lots would have similar or consistent lighting elements, and be limited to 15 feet in height within 100 feet of residential zoning and 24 feet otherwise. Maximum building coverage would be 30 percent and maximum gross floor area would be 35 percent. Maximum building height would be 35 feet. This is the same height allowed in the adjoining residential zoning district. The proposed number of buildings would be four.

Ground signage would be monument type signs with a maximum height of 20 feet and a total sign area of 264 square feet spaced a minimum of 150 feet apart and no sign allowed within 70 feet of the northern property line. Portable and off-site signs are prohibited. Window displays would be limited to 25% of window area and signs on the rear would be prohibited. Moving signs except time and temperature or public service message are prohibited.

An eight-foot concrete/masonry-screening wall would be constructed on the north, east and south property line adjacent to residential zoning. The setback proposed on the CUP would be 100 feet on the east property line to afford greater separation for the abutting residential dwellings. The setback would be 50 feet for the western 300 feet and 70 feet for the eastern 300 feet along the northern property line. Additionally, a row of solid evergreen screening would be provided.

The property currently is zoned "SF-5" and developed with a church, which would be razed. The property to the east, north and eastern 100 feet on the south is zoned "SF-5" Single-family Residential and developed with single-family dwellings in the Chadsworth Subdivision. The property to the south (except for the eastern 100 feet of the southern property line), and to the west across Maize Road is zoned "LC" and developed with a wide range of commercial uses, including sit-down restaurants, drive-through restaurants, small multi-tenant commercial buildings, banks, auto repair, large grocery store (Dillons), Wal-Mart and the main NewMarket Square Shopping Center.

At the MAPC meeting held January 5, 2006, MAPC voted (6-5) to defer the case until the District V Advisory Board considered the case. Many neighbors spoke in opposition, citing concerns with noise, trash, odors, that the loss of the church and its playground would diminish the quality of life for abutting neighbors, already having too much commercial on Maize Road, traffic, safety of traffic circulating in the parking lots already in the vicinity and lights.

At the District V Advisory Board meeting held January 9, 2006, DAB voted (4-3) to defer the case until February 6, 2006. A representative of the church spoke and said they had done market research and found the property too valuable to not sell for development and that they had planned for a building expansion, but space was inadequate. Many neighbors spoke in opposition, citing concerns similar to those heard at the MAPC on January 5, 2006, including noise, odors and trash especially from drive-in restaurants, trash pick-up during the night, lack of code enforcement for containing trash at existing commercial uses, particularly the bowling alley, potential loss of resale value of residential houses, drainage and traffic increases.

At the MAPC meeting held January 19, 2006, MAPC voted (11-1) to approve subject to revised conditions of the CUP as discussed in the background section. Again, many neighbors spoke in opposition.



# CITY COUNCIL PROCEEDINGS

JOURNAL 185

MARCH 7, 2006

PAGE 325

At the DAB V meeting held February 6, 2006, the DAB voted (8-1) to approve subject to the revised conditions recommended by MAPC. Many citizens again spoke in strong opposition citing factors of making drainage worse; traffic increases when it is already difficult to access Maize Road, trash, noise, odor and a lack of enforcement of requirements on existing CUPs. One neighbor spoke in support of the church's proposal.

Legal protests have been received from 43.45 percent of the property owners within 200 feet of the property. Additional non-binding protests and other letters of opposition have been received. A three-fourth vote of the entire governing body is required to approve the request because the official protest exceeds 20 percent.

The ordinance has been reviewed and approved as to form by the Law Department.

Motion--

Martz moved that the findings of the MAPC be adopted; the zone change subject to replatting within one year and the CUP be approved and the Planning Department be instructed to forward the ordinance for first reading when the plat is forwarded to City Council. Motion carried 7 to 0.

--carried

(Item 34)  
V-2057

**V-2057 PUBLIC HEARING TO VACATE A PORTION OF A PLATTED EASEMENT,  
GENERALLY LOCATED BETWEEN STATE HIGHWAY K-96 AND 32ND STREET NORTH,  
WEST OF ROCK ROAD. (DISTRICT I)**

John Schlegel

Planning Director reviewed the item.

Agenda Report No. 06-0252

Staff Recommendation: Approve.

MAPC Recommendation: Approve (unanimously).

The applicant is requesting the vacation of a portion of the platted 20-foot sanitary sewer easement, generally located along the west side of Lot 1, Block 1, Killarney Plaza Fourth Addition. There was a manhole and sewer line in the platted easement. The sewer line and manhole were relocated (construction plan #763PPS) and accepted by the City in December of 1998. At the time that the vacation case was considered by the Metropolitan Area Planning Commission (MAPC), the site was located in Lot 3, Block 1, Killarney Plaza Third Addition, which was recorded with the Register of Deeds on June 28, 1988. Subsequently, the site was replatted as the Killarney Plaza Fourth Addition, which was recorded with the Register of Deeds on January 16, 1990.

The MAPC voted (12-0) to approve the vacation request at their December 18, 1997 meeting. The case file reveals that no one spoke in opposition to this request at the MAPC's meeting or its Subdivision Committee meeting. The case file also shows that no written protests were filed. On December 30, 1998, the public hearing forum was changed from the Wichita City Council (WCC) to the MAPC. Because this case was filed before 1998, the public hearing needs to be held by the City Council for approval. The current public hearing notice was published 20 days prior to today's (March 7, 2006) WCC meeting.

Planning staff has recently initiated a review of the status of all open vacation cases. The goal of the review is to send all completed vacation cases to the governing body for final action and subsequent recording with the Register of Deeds. The review will reveal if all conditions attached to a vacation case have been completed. If the case's attached conditions have been completed, then it will be sent to the governing body for final action. Typical conditions attached to a vacation case (but not limited to these examples) would be dedications that have been or are ready to be recorded, utilities that have been relocated and accepted by the City or petitions for improvements that have been accepted by the City. Planning has found that in some instances a breakdown in communication between the applicant and City staff have left cases open when they are in fact ready for final action and thus recording. One probable result of this review process will be that the governing body will have more cases similar to

# CITY COUNCIL PROCEEDINGS

JOURNAL 185

MARCH 7, 2006

PAGE 326

this one (cases filed before 1998) where the governing body will be the public hearing forum for the final action. These cases will always be a non-consent Planning item on the WCC agenda.

A certified copy of the Vacation Order will be recorded with the Register of Deeds.

Mayor Mayans

Mayor Mayans opened the Public Hearing and inquired whether anyone from the audience wished to be heard and no one appeared.

Johns Schlegel

Planning Director that the applicant had requested the vacation of a portion of a platted 20' sanitary sewer easement on that lot. There was a manhole in the sewer line in the platted easement and they were subsequently relocated and accepted by the City back in 1998. Stated that the applicant has done everything that they need to do regarding this and this case can be closed after following the public hearing and the Council's action today.

Motion--  
--carried

Brewer moved that the Vacation Order be approved and the necessary signatures authorized.  
Motion carried 7 to 0.

**ZON2005-00052**

**ZON2005-00052-ZONE CHANGE FROM LIMITED COMMERCIAL TO GENERAL COMMERCIAL WITH A PROTECTIVE OVERLAY. GENERALLY LOCATED NORTH OF KELLOGG BETWEEN BYRON ROAD AND SEVILLE AVENUE. (DISTRICT V)**

Agenda Report No. 06-0253

MAPC Recommendation: Approve, subject to replatting the entire property and subject to the Protective Overlay #167, vote 12-0.

MAPD Staff Recommendation: Approve, subject to replatting within one year and Protective Overlay #167.

DAB Recommendation: The District V Advisory Board recommended by a vote of 7-0 to approve the change to General Commercial and with a Protective Overlay according to staff recommendations.

The applicant requests a zone change from "LC" Limited Commercial to "GC" General Commercial with a protective overlay on 3.19 acres, plus a protective overlay on 2.03 additional acres of existing "GC" General Commercial zoning. Total site size is 5.22 acres.

The property is a narrow strip of land approximately one-third mile long but only 120 feet deep. It flanks the north side of Kellogg Drive and is bounded on the north by Dubon Avenue, an unpaved road. Its eastern edge is located at Byron Road (approximately one-sixth mile west of Tyler Road), and the property extends westward to Seville Avenue. It currently includes two platted rights-of-way, Westfield Avenue and Keith Avenue.

The current zoning pattern is comprised of a row of 80-foot lots. Eleven lots (including two that are wider than 80 feet) are zoned "LC" and five lots are zoned "GC", but the "GC" lots are interspersed between the "LC" lots. The extremely shallow depth of the lots and the interspersed zoning pattern challenge the effective use of the property. The applicant has sought to unify the property by eliminating the intervening streets (Westfield Avenue and Keith Avenue), obtaining "GC" zoning for the entire property, reducing the rear building setback to 0 feet and making the entire property subject to the protective overlay provisions. The property could be developed without this approval and with the standard 10-foot building setback on the "LC" zoning and 0 feet on the "GC" portions.

The protective overlay would require architectural compatibility among the buildings, with no predominately metal façades. The rear of the buildings and a matching solid masonry wall eight feet in height with a setback of 20 feet would be constructed along Dubon Avenue and would not have visible doors, windows or utility meters in order to mitigate the impact on the residential neighborhood to the north. Trees would be placed on the property or within the right-of-way of Dubon as an additional type of buffer, and signs would be prohibited on the residential side of the buildings. Lighting would be standardized, and it is recommended that only wall units be permitted on the back side of the building and that these be lowered and shielded to mitigate the impact.

# CITY COUNCIL PROCEEDINGS

JOURNAL 185

MARCH 7, 2006

PAGE 327

Prohibited uses would be group residence, correctional placement residence (limited and general), group home (limited, general and commercial), communication tower (commercial), kennel (boarding/breeding/training and hobby), night club, riding academy or stable, tattooing and body piercing facility, tavern and drinking establishment, outdoor vehicle repair, asphalt and concrete plant, gas and fuel storage, rock crushing and solid waste incinerator. The property would retain auto and highway oriented uses typical of the Kellogg corridor.

The surrounding property is developed in a starkly contrasting manner. The property to the north and northwest is a suburban residential area with large lots on property zoned "SF-5" Single-family Residential. The property to the south and southeast of Kellogg is high intensity auto-related commercial uses and includes an agricultural sales and service, RV and truck vehicle sales, equipment rental and a flea market on property zoned "GC". The property to the east is vacant except for a restaurant on the southwest corner of the Kellogg interchange at Tyler Road. It is zoned "SF-5", "LC" and "GC"; the property was approved for commercial development as DP-268 Holland Commercial, but is still awaiting platting (and a second platting extension was made to February 6, 2006).

At the District V Advisory Board meeting held January 9, 2006, the Board voted (7-0) to approve the requested zone change for the property (approximately 3.19 acres) zoned "LC" Limited Commercial to "GC" General Commercial and subject to a protective overlay for the entire area (approximately 5.22 acres) including the land already zoned "GC". DAB members noted this property was a challenging site to develop. Area residents asked about paving Dubon Avenue, with staff noting the advantages of less dust and maintenance and disadvantages of encouraging additional traffic on the street and the cost to residents.

At the MAPC meeting held January 19, 2006, MAPC voted (12-0) to approve the requested zone change for the "LC" portion of the property subject to replatting the entire property and subject to the protective overlay provisions for the entire property. The Commission discussed screening of the property along Dubon Avenue with the screening wall in combination with the backs of the buildings (with no service areas and access on the rear of the buildings) and landscaping, and paving on Dubon. A Commission member asked about possible pedestrian access through the screening wall to connect to the neighborhood. Two citizens spoke about the issues of paving Dubon Avenue, with one noting it would be difficult to get a 51% paving petition due to many retired people living along it, and the other indicating they wished the applicant/agent to consider paving the road. Another citizen spoke about not wanting traffic along Dubon or employees parking there. A citizen who could not attend the meeting forwarded comments in opposition, which are attached. No formal protest petitions were filed.

The ordinance has been reviewed and approved as to form by the Law Department.

Motion--

Mayans moved that the zone change subject to replatting within one year and subject to the additional conditions of Protective Overlay #167 be approved; the Planning Department instructed to forward the ordinance for first reading when the plat is forwarded to City Council. Motion carried 7 to 0.

--carried

**ZON2005-00056**

**ZON2005-00056-ZONE CHANGE FROM SINGLE-FAMILY RESIDENTIAL TO LIMITED INDUSTRIAL. GENERALLY NORTH OF MACARTHUR ROAD, EAST OF GOLD STREET. (DISTRICT IV)**

Agenda Report No. 06-0254

MAPC Recommendations: Approve, subject to platting within one year (12-0).

MAPD Staff Recommendations: Approve, subject to platting within one year.

DAB Recommendations: Not applicable.

The applicant requests a zone change from "SF-5" Single-Family Residential to "LI" Limited Industrial on a 6.4-acre unplatted tract located north of MacArthur Road and on the east side of Gold Street. The subject property is currently undeveloped. The applicant proposes to develop the property with an expansion of their adjacent trucking company, located to the north of the subject property.

# CITY COUNCIL PROCEEDINGS

JOURNAL 185

MARCH 7, 2006

PAGE 328

The surrounding area is characterized by a mix of residential, commercial and industrial uses. The applicant's existing trucking business is immediately north of the subject property and is zoned "LI" Limited Industrial. Across Gold, several single-family residences zoned "SF-5" front on MacArthur. Immediately north of those residences is a large manufactured home park zoned "MH" Manufactured Housing. Further north on Gold, immediately north of the existing trucking business, is another single-family residence zoned "SF-5". The properties to the south, across MacArthur, are zoned "GC" General Commercial and developed with warehouse, self-service, a car wash and a few single-family residences. Immediately east of the subject property is I-235. A large cement operation is located east of I-235.

At the MAPC meeting held January 19, 2006, MAPC voted (12-0) to approve the zone change as requested. No citizens were present to speak on this item, and no protests have been received.

The ordinance has been reviewed and approved as to form by the Law Department.

Motion--

Mayans moved that the findings of the MAPC and the zone change subject to platting within one year; be approved and the Planning Department instructed to forward the ordinance for first reading when the plat is forwarded to City Council. Motion carried 7 to 0.

--carried

**SUB2006-03**

**SUB2006-03-PLAT OF WILLOWBEND NINTH ADDITION, LOCATED EAST OF ROCK ROAD AND NORTH OF 37TH STREET NORTH. (DISTRICT II)**

Agenda Report 06-0255

Staff Recommendation: Approve the plat.

MAPC Recommendation: Approve the plat. (11-0)

This site, consisting of two lots on .52 acres, is a replat of a portion of Reserve A in the Willowbend First Addition. This site is zoned LC, Limited Commercial District.

Water services are available to serve the site. A Restrictive Covenant was submitted to provide for the ownership and maintenance of the storm drain and also addressing the obstruction of surface drainage.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within 30 days.

The Restrictive Covenant will be recorded with the Register of Deeds.

Motion--

Mayans moved that the documents and plat be approved and the necessary signatures authorized

--carried

Motion carried 7 to 0.

## RESOLUTION NO. 06-116

Resolution of findings of advisability and Resolution authorizing construction of Lateral 70, Main 9, Sanitary Sewer No. 23 (east of Rock, north of 37<sup>th</sup> Street North) 468-84163 in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

# CITY COUNCIL PROCEEDINGS

JOURNAL 185

MARCH 7, 2006

PAGE 329

SUB2004-127

**SUB2004-127-PLAT OF MAYFIELD FIRST ADDITION, LOCATED WEST OF WEST STREET AND SOUTH OF HARRY. (DISTRICT IV)**

Agenda Report No. 06-0256

Staff Recommendation: Approve the plat.

MAPC Recommendation: Approve the plat. (13-0)

This site, consisting of one lot on 20.3 acres, is located within Wichita's city limits.

Petitions, 100 percent, a Certificate of Petition have been submitted for paving improvements.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within 30 days.

The Certificate of Petitions will be recorded with the Register of Deeds.

Motion--  
--carried

Mayans moved that the document and plat be approved; the necessary signatures authorized and the Resolutions adopted. Motion carried 7 to 0.

**RESOLUTION NO. 06-117**

Resolution of findings of advisability and Resolution authorizing constructing pavement on the east half of Anna Street from the north line of Mayfield First Addition to the south line of Mayfield First Addition (west of West Street, south of Harry) 472-84216, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

**RESOLUTION NO. 06-118**

Resolution of findings of advisability and Resolution authorizing constructing asphalt pavement, curb and gutter, and incidental drainage for May Street as platted within Mayfield First Addition (west of West Street, south of Harry) 472-84217, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

A06-07R

**A06-07R-REQUEST BY IRMA JACOBY, OF ITJ INVESTMENTS, INC., TO ANNEX LAND GENERALLY LOCATED WEST OF WEBB ROAD, BETWEEN PAWNEE AND 31ST STREET. (DISTRICT II)**

Agenda Report No. 06-0257

The City has received a request to annex 11.52 acres of land generally located west of Webb Road, between Pawnee and 31st Street. The annexation area abuts the City of Wichita to the west and north. The property owner anticipates that the proposed property will be developed with approximately 42 single-family residential units.

Land Use and Zoning: The proposed annexation consists of approximately 11.52 acres of property currently zoned "SF-20" Single-Family Residential, which upon annexation will convert to "SF-5" Single-Family Residential. Property to the east and south of the subject property is zoned "SF-20" Single-Family Residential, while property to the north and west is zoned "SF-5" Single-Family Residential.

# CITY COUNCIL PROCEEDINGS

JOURNAL 185

MARCH 7, 2006

PAGE 330

**Public Services:** The nearest water and sewer lines are both 8" lines located within the subdivision to the north and west of the proposed property.

**Street System:** The subject property does not currently border any arterial street, but Hurst Street and Creed Street, both run perpendicular to the subject property providing potential access to the subject property. Hurst and Creed Street are both paved, local roads. The 2006 Transportation Improvement Program and the City of Wichita Capital Improvement Program (CIP) 2005-2014 have scheduled Pawnee Street to be reconstructed and widened, between Webb Road and Greenwich Road, which is northeast of the subject property. The Sedgwick County Capital Improvement Program 2006-2010 does not call for improvements near the proposed annexation site.

**Public Safety:** Fire services to this site can be provided by the City of Wichita within a seven (7) to eight (8) minute approximate response time from City Station No. 15, located at 7923 E. Lincoln. Upon annexation, police protection will be provided to the area by the Patrol East Bureau of the Wichita Police Department, headquartered at 350 South Edgemoor.

**Parks:** Towne Park, a 4.35-acre park, is located approximately 1/4 mile to the southwest of the proposed annexation site and contains a pond with a dock, a children's play area and a paved exercise/fitness trail. WB Harrison Park, a 40-acre park, is located approximately 2 miles to the northeast of the proposed annexation site and contains a softball diamond, 2 tennis courts, a rugby field, a children's play area, a restroom, a paved jogging trail, a fishing pond, 2 benches and 12 picnic tables. Boston Park, an 18-acre park, is approximately 3 miles northwest of the proposed site and contains a recreation center, a family swimming and wading pool with concessions room, a softball diamond, 2 tennis courts, a children's play area, a basketball court and a drinking fountain. Cessna Park East, a 23-acre park, is approximately 2 miles to the northwest of the subject property and contains 2 softball diamonds, 2 tennis courts, a basketball court, an open shelter, a bike path and a children's play area. Planeview Park, a 109-acre park, is located 2 1/2 miles to the west of the subject property and contains 3 model airplane flying areas, a soap box derby track, a concession building with restroom, a baseball diamond, 4 softball diamonds, a basketball court, 4 tennis courts, 4 soccer fields, 3 children's play areas, a bike path, a sand box and 4 benches. According to the 1996 Parks and Open Space Master Plan, a potential future park site has been proposed on the south portion of the subject property. In addition, a pathway has been proposed along Webb Road to the east of the subject property.

**School District:** The annexation property is part of the Unified School Districts 260 (Derby School District). Annexation will not change the school district.

**Comprehensive Plan:** The proposed annexation is consistent with the Wichita-Sedgwick County Comprehensive Plan. The annexation property falls within the 2030 Wichita Urban Growth Area as shown in the Plan.

The current approximate appraised value of the proposed annexation lands, according to County records, is \$43,688 with a total assessed value of \$5,564. Using the current City levy (\$31.828/\$1000 x assessed valuation), this roughly yields \$175 in City annual tax revenues for the property. The future assessed value of this property will depend on the type and timing of any other developments on the proposed annexation property and the current mill levy. At this time, the property owner is anticipating that approximately 42 single-family housing units will be developed within the next two years. The total appraised value of this residential development after completion is estimated at \$3,570,000. Assuming the current City levy remains about the same, this would roughly yield a total of \$12,894 in City annual tax revenues.

The property is eligible for annexation under K.S.A. 12-519, et seq.

Motion--  
--carried

Mayans moved that the annexation request be approved and the Ordinance placed on first reading.  
Motion carried 7 to 0.

# CITY COUNCIL PROCEEDINGS

JOURNAL 185

MARCH 7, 2006

PAGE 331

## CITY COUNCIL

### **BOARD APPTS.**

### **BOARD APPOINTMENTS.**

Council Member Fearey      Council Member Fearey requested that Bob Wine be appointed to the Wichita Employee's Retirement Board.

Council Member Gray      Council Member Gray requested that Joshua Blick be appointed to the Board of Zoning Appeals.

Motion--carried      Mayans moved that the appointments be made. Motion carried 7 to 0.

### **TRAVEL EXPEND.**

### **APPROVAL OF TRAVEL EXPENSES FOR MAYOR TO ATTEND LKM GOVERNING BODY MEETING IN TOPEKA, MARCH 16-17, 2006.**

Motion--carried      Mayans moved that the expenditures be approved. Motion carried 7 to 0.

### **TRAVEL EXPEND.**

### **APPROVAL OF TRAVEL EXPENSES FOR MAYOR TO ATTEND AND SPEAK TO KANSAS PARAGUAY PARTNERS ANNUAL MEETING IN TOPEKA, MARCH 11, 2006.**

Motion--carried      Mayans moved that the expenditures be approved. Motion carried 7 to 0.

### **INTERN PLACMNT**

### **RECONSIDERATION OF PLACEMENT OF AN INTERN FOR MAYOR IN THE COUNCIL OFFICE.**

Mayor Mayans      Mayor Mayans stated that he was very appreciative last year regarding the issue of an intern and there are interns that come to City Hall as well as to the county to work primarily with staff. Stated that several young people had approached him from WSU who had expressed an interest to him regarding working with elected officials, staff and the constituency. Stated that he is appreciative of the City Council, the Manager and WSU providing an intern for his office, which has done work for all of the Council Member who have asked him for help and primarily for him. Stated that he has so many meetings that he cannot attend them all and it has been a tremendous help to him. Stated that the City Manager has budgeted for interns again for 2006, which was approved by the Council. Stated that his intern Travis Smith's time will expire at the end of this month and thought it would be important for him to share with the Council what he has learned from his experience here. Stated that he would like to bring some of the other interns that work throughout our organization to visit with the Council to see what their experiences have been like.

Travis Smith      Mr. Smith thanked the City Council who was involved in providing him with the opportunity to be an intern for the City. Stated that his internship has greatly exceeded all of his expectations and during his time with the Council he has been able to network and meet people from all over the City, the county, the state, the nation and the world. Stated that he has gained experience in local government administration and witnessed first hand the application of the theories of a graduate school education. Stated that his internship exposed him to the many facets of local government administration and management in the public sector and allowed him to work on projects for the purposes of professional development. Stated that he was able to conduct basic research for almost every member of the Council and research controversial issues, such as the demolition or resale of confiscated firearms and governing regulations and laws that dictate how municipalities can regulate sexually oriented businesses. Stated that he was also able to look at the CIP and attempt to locate money for projects in the budget and design a judicial survey for Council Members Schlapp and Brewer that was designed to evaluate and enhance the Municipal Court System for the City of Wichita. Stated that his internship extends further than merely administrative tasks and for the first time allowed a fresh MPA student to be exposed to the duties, the dynamics and the perspectives of an elected office and while he was provided the ability to solidify his trade, he also learned how to develop a positive report with people and elected officials alike, which is a trait that cannot be taught in any classroom and can benefit all persons in public sector management. Stated that he believes that these experiences glee from this internship, benefit any

# CITY COUNCIL PROCEEDINGS

JOURNAL 185

MARCH 7, 2006

PAGE 332

person in any profession that they may choose and strongly encourages each member of the Council to extend the same unique experience and educational opportunity to future students and graduates of the Hugo Wall School.

Each Council Member thanked Travis for his services and wished him well.

Council Member Skelton Council Member Skelton asked how many interns the city has.

George Kolb City Manager stated that there are currently four and they work in the finance department, the City Manager's Office, the Water and Sewer Department and the Mayor's Office.

Motion--failed Mayans moved to affirm the position of the intern in the City Council's Office. Motion failed 2 to 5. (Nays-Brewer, Fearey, Martz, Schlapp and Skelton)

## RECESS

Motion-- Mayans moved that the City Council recess into Executive Session at 12:20 p.m. to consider: Consultation with legal counsel on matters privileged in the attorney-client relationship relating to: Legal Advice and Contract Negotiations and that the Council return from Executive Session no earlier than 12:35 p.m. and reconvene in the City Council Chambers on the First Floor of City Hall. Motion --carried 7 to 0.

**RECONVENED** The City Council reconvened in the City Council Chambers at 12:40 p.m.

Motion--carried Mayans moved to extend the Executive Session until 12:50 p.m. Motion carried 4 to 0, (Brewer, Martz and Gray absent)

**RECONVENED** The City Council reconvened I the City Council Chambers at 12:50 p.m. Mayor Mayans stated that no action was taken.

Motion--carried Mayans moved to close the Executive Session at 12:50 p.m.. Motion carried 4 to 0, (Brewer, Martz, and Gray absent)

Motion--carried Mayans moved to close the Regular Meeting at 12:51 p.m. Motion carried 4 to 0, (Brewer, Martz and Gray absent).

Adjournment The City Council meeting adjourned at 12:51 p.m.

Respectfully submitted,

Karen Sublett CMC  
City Clerk

\*\*\*Workshop followed in the First Floor Board Room\*\*\*